



भारत का राजपत्र

The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. ६८७
नई दिल्ली, शनिवार, फरवरी १७, १९७३/माघ २८, १८९४
No. ६] NEW DELHI, SATURDAY, FEBRUARY 17, 1973/MAGHA 28, 1894

इस भाग में भिन्न पृष्ठ संख्याएँ जारी हैं जिससे कि यह प्रलग संकलन के रूप में रखा जा सके

Separate paging is given to this part in order that it may be filed as a separate compilation

भाग II—खण्ड ३—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य और प्रशासनों को छोड़कर)
केन्द्रीय प्राधिकारियों द्वारा जारी किये गये विधिक आदेश और ग्रधिमूलनाएं

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) by Central Authorities (other than the Administration of Union Territories)

ELECTION COMMISSION OF INDIA

New Delhi, the 31st January, 1973

S.O. 407.—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Judgement dated the 4th October, 1972 of the High Court of Judicature at Patna in Election Petition No. 5 of 1971.

[No. 82/BR/5/71]

By Order

V. NAGASUBRAMANIAN, Secy.

THE HIGH COURT OF JUDICATURE OF PATNA

Election Petition No. 5 of 1971

In the matter of an application under sections 80A and 81 of the Representation of the People Act, 1951.
Hansu Singh

Petitioner.

VERSUS

Nagendra Prasad Yadav

Respondent.

For the Petitioner : M/s. B. C. Ghose, Pradyuman Narain Singh and Yogendra Mishra.

For the Respondent : M/s. Kanhaiya Prasad Verma and Kamla Kant Prasad.

The 4th October, 1972

Present :

The Hon'ble Mr. Justice C. P. Sinha

C. P. Sinha, J.—This election petition has been filed under sections 80A and 81 of the Representation of the

46 G of I/72-1

People Act, 1951 (hereinafter referred to as the Act) by Hansu Singh as an elector. It seeks to challenge the validity of election of the respondent Nagendra Prasad Yadav from 11-Sitamarhi Parliamentary Constituency comprising of six Assembly Constituencies, namely, Sitamarhi, Bathnaha, Sursand, Sonbarsa, Majorganj and Seohar. The petitioner claims to be a voter in his village Panthpukar, police station Sitamarhi, within the Bathnaha Assembly constituency. In this parliamentary election the respondent (Ruling Congress Party candidate) defeated his nearest rival Thakur Yugal Kishore Singh, who had contested as a candidate of the Samyukta Socialist Party, by a majority of 28,705 votes (respondent polled 2,17,396 votes whereas Thakur Yugal Kishore Singh got 1,88,691 votes).

2. There is no dispute that prior to the instant election which took place in March 1971, this respondent (Nagendra Prasad Yadav) had also defeated Thakur Yugal Kishore Singh in the Parliamentary elections of 1962 and 1967, whereafter the latter had unsuccessfully challenged those elections of the respondent. In 1962 his election petition was dismissed by the Election Tribunal and his appeal to the High Court against that also met the same fate. In 1967 he challenged the election before the High Court and after his failure here he preferred an appeal to the Supreme Court which was also dismissed. It has, however, been suggested for the petitioner that in those litigations the respondent's election was challenged on grounds other than the present ones. The present petitioner (P. W. 47) has admitted that in the instant election he had worked as a counting agent of Thakur Yugal Kishore Singh in Bathnaha Assembly segment and in 1962 and 1967 elections he had, as an active member of the Socialist Party, worked for Thakur Yugal Kishore Singh. While denying the respondent's suggestion that he (P. W. 47) has filed this election petition at the instance of Thakur Yugal Kishore Singh, he (P.W. 47) has stated that after the result of this election, he asked Thakur Yugal Kishore Singh, to file election

petition but he refused to do so saying that he would not file such a petition, and if he (petitioner) so liked he might do it whereafter he (P. W. 47) filed this election petition.

3. After the dissolution of the Parliament (Lok Sabha) in December, 1970 fresh elections were held in March, 1971 throughout the country. As per programme of the Election Commission, for election to this 11-Sitamarhi Parliamentary Constituency, last date for filing of nomination papers was fixed on 3-2-1971 and withdrawal, if any, was to be done by 8-2-1971. Polling was to be held on 1-3-1971 and counting of votes was to commence on 10-3-1971 and the election result was to be announced on 11-3-1971.

4. After publication of the above election programme, 9 persons including the respondent (Nagendra Prasad Yadav), Thakur Yugal Kishore Singh and Ram Sewak Saran Yadav filed their nominations for election from this Sitamarhi Parliamentary Constituency. After scrutiny of the nomination papers, 5 persons including above Ram Sewak Saran Yadav withdrew their nomination leaving only 4, namely, the respondent Thakur Yugal Kishore Singh, Indal Singh and Ratneshwari Nandan Singh in the field of contest. The respondent as a candidate of the Ruling Congress was allowed the Symbol of cow-calf and Thakur Yugal Kishore Singh had tree as his symbol as a candidate of the Socialist Party. The symbols of the other two contestants, who were independents, were 'lion' and 'scale', respectively.

5. The election as scheduled took place on 1-3-1971 and the counting of votes commenced on 10-3-1971 and was completed in the early hours of 11-3-1971 whereafter the result was published declaring the respondent duly elected, having secured the majority of valid votes.

6. According to the petitioner, the respondent Nagendra Prasad Yadav, his election agent Sitaram Yadav and his agents, workers and supporters with respondent's consent, had, at the time of this election, indulged in corrupt practices as contemplated by section 123(2) and (7) of the Representation of the People Act, 1951, whose details, as given in the election petition, are as follows.

7. On the day of poll and even earlier to that, these persons had committed corrupt practices of undue influence at several places and polling stations by assaulting, threatening and terrorising the voters, polling agents and supporters of other contesting candidates whose details are incorporated in Schedule 1 of the election petition, and as a result of those corrupt practices a large number of voters could not exercise their franchise.

8. Respondent's two polling agents Bhola Singh and Ram Surat Singh at Majhaura polling station within Bathnaha Assembly constituency with the help of *lathials* captured the booth and they restrained the voters, as named in Schedule 2 of the election petition, from casting their votes. They also obtained ballot papers from the Presiding Officer of the booth and inserted them into the ballot box after stamping. These *lathials* also made the Presiding Officer concerned fill up his poll dairy showing peaceful polling at the booth out of fear.

9. The petitioner had learnt from Bindeshwari Gami of village Matiar (P. W. 34) that similar incidents had taken place on several other polling booths on the election day. At about 1 P. M. that day, Ram Bahadur Singh, M. L. A. (R. W. 31) and Dr. Devendra Nath (R. W. 44) had arrived at Jogbana Lower Primary School booth (within Bathnaha Assembly constituency) on a jeep bearing No. BRF 5732. After their such arrival respondent's polling agents Ful Rai and Jagdish Raut (R. W. 23) talked with them and then they left the polling booth but returned to it after a shortwhile with *lathials* numbering about 50. They all then threatened and terrorised the voters who were standing in the queue to cast their votes and made them leave the queue to save their lives without casting votes. Thereafter they demanded ballot papers from the Presiding Officer (P. W. 48) and polling officers. When they refused to part with the ballot papers, under the orders of Dr. Devendra Nath, some of those *lathials* assaulted the polling officers Syed Amir Hassan (C. W. 1) and Indal Singh (P. W. 45) and also the Presiding Officer (P. W. 48) and snatched away a large number of ballot papers from the Presiding Officer. Thereafter, the above polling agents Ful Rai and Jagdish Raut put those ballots into the ballot box after stamping them, and they all got

the ballot box sealed in their presence and further compelled the Presiding Officer to prepare his report indicating peaceful polling at the booth.

10. At about 2 P. M. on the poll day, a group of respondent's *lathials* were moving in bus No. BRF 4588 belonging to respondent's wife without any proper permit and reached Kumba polling station within Sursand Assembly constituency and entered into the polling booth. Only a few minutes thereafter respondent's election agent Sitaram Yadav (R. W. 33) arrived at the booth on jeep No. BRF 6809. Thereafter, Sitaram Yadav along with those *lathials* surrounded the polling party inside the booth. Those *lathials* caught hold of Thakur Yugal Kishore Singh's polling agent Mahadeo Singh (P. W. 19) at the booth and forcibly removed him (Mahadeo Singh) from the booth and then took the ballot papers from the Presiding Officer and stamped and put them into the ballot box, and also got the ballot box sealed in their presence.

11. At about 2.30 P. M. that day respondent's election agent Sitaram Yadav (R. W. 33) arrived on his above jeep No. BRF 6809 at Sutihara Central School booth within Sursand Assembly Constituency. Shortly thereafter the above group of *lathials* moving in bus No. BRF 4588, who were all in drunken state, also arrived at this booth. They threatened the voters as also Thakur Yugal Kishore Singh's polling agents at the booth and asked them to leave the booth. Upon that the voters left the place out of fear. They then asked the Presiding Officer to allow them to cast votes in the name of voters but the Presiding Officer refused to oblige them when, under the orders of Sitaram Yadav (R. W. 33) they made assaults on the Presiding Officer and also on Thakur Yugal Kishore Singh's polling agent Jamuna Prasad Mishra (P. W. 21). After this incident the Presiding Officer informed the Police Inspector of Sursand police circle about it, whereupon, the Sub-Inspector of Police of the Sursand police station along with the patrolling party came and followed the bus and over-took it near Makunahia polling station, within Sursand Assembly constituency. He seized the bus along with those *lathials* and took them in custody. Thereafter, the respondent made every attempt to get them released by approaching the District Magistrate of Muzaffarpur (P.W.-43), the Subdivisional Officer and the Deputy Superintendent of Police, Sitamarhi (P.Ws. 36 and 37) but could not succeed in securing their release at that time. They have since been granted bail by the Subdivisional Magistrate, Sitamarhi. Full facts about these incidents are mentioned in the different station diary entries of Sursand Police station of that date (1-3-1971).

12. At about 9 A.M. that day (1-3-1971), Sitaram Yadav (R. W. 33) came to Ranjitpur polling booth within Sitamarhi Assembly constituency in his above jeep no. BRF 6809. Shortly thereafter, the workers and supporters of the respondent assembled there. Sitaram Yadav then ordered the removal of the two polling agents Adya Kumar (P.W. 20) and Ramanand Sah of Thakur Yugal Kishore Singh from this booth upon which those workers and supporters of the respondent forcibly removed those polling agents and confined them in a room for the whole day. They then made the voters in the booth leave the place after meeting out threats, whereafter Sitaram Yadav got bogus polling done. On having learnt about this incident, Damodar Jha of Sitamarhi (P. W. 29) telephonically informed the Magistrate incharge of the election control room at sitamarhi regarding this matter. Thereafter, the patrolling party arrived at the booth and stopped those high handed acts of Sitaram Yadav.

13. At about 11 A. M. the respondent Nagendra Prasad Yadav along with his workers and *lathials* came to Oriental Middle School polling booth within Sitamarhi Assembly constituency and threatened the voters and polling agents of Thakur Yugal Kishore Singh to leave the booth. The voters did not, however, leave the booth whereupon they were all assaulted by the respondent and his workers who snatched away the voters' list from the hands of Prof. Upendra Narain Singh (P. W. 22) who was working for Thakur Yugal Kishore Singh at the booth. The voters therupon left the booth out of fear. Then Nagendra Prasad Yadav (respondent) asked his workers to cast bogus votes which they commenced doing. When above Damodar Jha (P. W. 29) and Thakur Girjanandan Singh got information about such bogus polling after staggering the genuine voters they telephonically informed the Magistrate

incharge of the control room at Sitamarhi who sent Sri B. N. Singh, Circle Officer, Bajpatti (P. W. 44) along with police party to prevent the respondent and his workers from interfering with the electoral right of the genuine voters. Even after their arrival the respondent and his workers did not allow the voters to exercise their franchise and consequently the police party had to brandish lathies for bringing the situation under control.

14. At about 1.30 P. M. that day the respondent along with his workers followed by *lathials* came to Sitamarhi Lakshmi High School polling station within Sitamarhi Assembly constituency and got Thakur Yugal Kishore Singh's polling agent Prof. Shreeman Singh (P. W. 18) removed from the booth. Thereafter, they threatened the voters as also the polling party with dire consequences. As a result thereof, the voters and that polling agent fled away to save their lives and then the respondent asked those workers to take away the ballot papers from the Presiding Officer. In the meantime respondent's *lathials*, about 100 in number, also arrived at this booth in bus No. BRF 5588, belonging to his nephew Chandrika Prasad Yadav which was plying without proper permit. Those workers of the respondent then stamped ballot papers and consigned them to the ballot box. The patrolling party No. 159 then informed the Magistrate incharge of the control room, Sitamarhi regarding these malpractices committed by the respondent and his workers. At that very time Ramanand Singh, M. I. A. also informed the Magistrate incharge of the control room, Sitamarhi regarding those high-handed acts of the respondent. When those high-handed acts of the respondent and his workers and supporters could not be checked, Thakur Girjanandan Singh informed the Sub-divisional Magistrate and the Deputy Superintendent of Police, Sitamarhi about that matter. On being informed, both of them left for the place and when they reached Mehsaul Chauk, within Sitamarhi town, they noticed the above bus No. BRF 5588 moving with respondent's *lathials*. It was then checked and seized with those *lathials* and their weapons and they were all sent to jail. The respondent thereafter approached the authoritics, namely, the District Magistrate, Sub-divisional Magistrate and Deputy Superintendent of Police concerned to secure the release of those *lathials* but they did not do so and only recently they have been released on bail by the Sub-divisional Magistrate. Full facts of this incident were recorded in the station diary entry of Sitamarhi police station dated 1-3-1971, as made by the officer-in-charge.

15. As the petitioner had further learnt, respondent's election agent Siteram Yadav (R. W. 33) along with respondent's workers like Ram Sewak Yadav (R. W. 27), Indradeo Prasad Yadav, Sheonandan Bal (R. W. 11), Hardeo Prasad Yadav (R. W. 17), Sonelal Rai (R. W. 11) and Faturi Singh who were all on above jeep No. BRF 6809 and respondent's above 100 *lathials* who were on above bus No. BRF 5588, had moved from one polling station to another and in that course captured the booths and had done 95 per cent bogus voting after restraining and terrorising the genuine voters on 30 polling station, as named in paragraphs 23 and 24 of the election petition (of these 30 booths the petitioner in court has adduced evidence only in respect of 4, namely, at Thandaspur, Mehsaul and Bhaico Kothi).

16. On account of the above booth capturing and bogus polling, a large number of ballot papers had to be rejected by the Assistant Returning Officer at the time of counting of votes because they did not bear the signature of the Presiding Officer.

17. The respondent made a plan to bribe the Presiding Officer and police force by giving Rs. 100/- to such Presiding Officer and such police havildar who could help him in handing over ballot papers for putting them into ballot box after necessary stamping. As a result of this conspiracy, almost cent per cent of the votes on the booths as mentioned in paragraph 24 of the election petition were found polled in favour of the respondent. The Samyukta Socialist Party candidate Thakur Yugal Kishore Singh had sent information of this plan in advance to the Sub-divisional Magistrate and the Deputy Superintendent of Police, Sitamarhi a few days earlier to the poll.

18. The respondent had secured the assistance of the Presiding Officers, Government officials, police force and patroll-

ing party in capturing the booths and getting the ballot box broken and in doing so he had got the ballots polled in favour of the Samyukta Socialist Party candidate. Thakur Yugal Kishore Singh illegally cancelled to further his election prospects.

19. At about 5-30 P.M. on the poll day the respondent arrived on a jeep bearing No. BRF 6451 at the polling booth No. 91 within Bathnaha Assembly constituency located in the Riga Cooperative Development and Cane Marketing Union (C.D. & C.M. Union) polling station. Coming so, the respondent talked to its Presiding Officer and a little later left the booth on that jeep along with the Presiding Officer and his (respondent) polling agent Bishambhar Sharma (R.W. 43) and the ballot box and proceeded towards Riga Sugar Factory. The Presiding Officer and the patrolling party of this polling booth No. 91 did not deposit the ballot box in the election office on 1-3-1971, but the box was sent on 2-3-1971 though the distance between that booth and the election office was only six miles. As the petitioner had learnt from his witness Amar Jha (P.W. 28), the respondent and his polling agent Bishambhar Sharma had got the seal of that ballot box broken and about 300 votes which had been cast in favour of Thakur Yugal Kishore Singh in that box were cancelled. Thereafter that box was sent to the Sub-divisional election office for deposit with its seal in broken condition. When this fact was revealed in the locality the Samyukta Socialist Party candidate Thakur Yugal Kishore Singh brought it to the notice of the Sub-divisional Election Officer Sri A. K. Dutta (P.W. 42) who suggested to him to point out this fact at the time of inspection of the ballot boxes before counting. Accordingly, before the start of the counting of this segment Thakur Yugal Kishore Singh drew the attention of the Assistant Returning Officer by handing over written petition to him. The Assistant Returning Officer found the seal of that box broken and in view of that fact the ballots of that box were not counted and a reference was made to the Election Commission in the matter and the Presiding Officer concerned was asked to submit his explanation with regard to that breaking of the seal.

20. Respondent's workers and supporters with his consent had committed corrupt practices of undue influence even prior to the poll by threatening the voters Jainarain Prasad, Ramnaresh Prasad Yadav and Bilat Thakur who were to cast their votes at Tandaspur Rupauli booth within Bathnaha Assembly constituency. Diplal Singh (respondent's polling agent) as also his above workers and supporters abused Bilat Thakur in filthy language on 1-3-1971 when he (Bilat Thakur) went to cast his vote. They also wanted to assault him (Bilat Thakur), the result of which was that he could not exercise his franchise. Similarly, when the voters Jainarain Prasad and Ramnaresh Prasad Yadav went to this polling station to cast their votes Diplal Singh ordered for *bhala* assault on them, upon which they got frightened and fled away, whereafter respondent's workers captured that booth and after snatching the ballot papers from the polling party put them into ballot box in favour of the respondent.

21. Respondent's workers and supporters had reached Jamuaha Lower Primary School booth, within Sonbarsa Assembly constituency, with a view to capture it. Reaching their they threatened and terrorised the voters in the booth at which Thakur Yugal Kishore Singh's polling agent Mahabir Mahto made an application to the Presiding Officer to take necessary action to ensure peaceful polling. A copy of this application has been made Annexure 1 to the election petition.

22. But for the respondent's having adopted the aforesaid acts of corrupt practices of restraining the voters from exercising their franchise and casting of ballots in his favour by forcibly taking them from the polling party at those different polling stations the respondent had absolutely no chance of success in the election. His success in the election as a result of these corrupt practices must, therefore, be set aside being void.

23. Besides the above Schedules I and II, two more schedules, namely, Schedules III and IV, have also been annexed to the election petition. In Schedule III names and designations of the Presiding and Polling Officers whose assistance is alleged to have been obtained by the respondent, his election agent and agents and supporters at the polling stations concerned have been enumerated. Schedule IV seeks to set

forth the names of the persons against whom the alleged corrupt practice by the respondent, his election agent, agents and workers are said to have been committed. Both these schedules (Nos. III and IV) were added to the election petition by means of an amendment petition which was filed on the same day, that is, 26-4-1971 on which the election petition was presented in Court.

24. In his written statement the respondent has emphatically refuted the allegations of corrupt practices as made against him, his election agent and agents and workers with his consent. According to him, those allegations are not only irrelevant but purely imaginary. They are also vague and the petitioner has failed to set out their full particulars as enjoined by section 83 of the Act. The petitioner has also failed to implead as party the person against whom he has made allegations of corrupt practice. For these defects alone the election petition has to be thrown out as non-maintainable being fit for dismissal. The petitioner's competence to file this election petition is also challenged on the ground that he is not a qualified voter in this Parliamentary Constituency. According to respondent, the ex parte amendment of the election petition, as allowed by order dated 14-5-1971 after the period of limitation, was illegal and without jurisdiction. Under this amendment petition the petitioner had introduced two new schedules Nos. III and IV without giving notice to the respondent. The effect of it was that the petitioner had introduced fresh allegations against the respondent beyond the period of limitation, and the Court's order allowing that amendment which meant to substantially change the relevant allegations in that behalf in the election petition was wholly without jurisdiction, besides being barred by time.

25. Respondent's further assertions, *inter alia*, are that petitioner's allegations of undue influence and other corrupt practices against him, his election agent, and his other agents and workers with his consent at the various polling booths are absolutely false and they were petitioner's after thoughts to rehabilitate his party's candidate Thakur Yugal Kishore Singh after his defeat in this election. His emphatic assertion is that there was never any threatening or terrorising of any of the voters at any of the polling booths and that all the voters had duly exercised their franchise without any fear at them. He has denied with equal force the allegations made against him, his election agent and other agents and workers regarding capturing of booths and casting of ballots in respondent's favour by forcibly obtaining them from the polling parties concerned. He has also refuted the allegation about their having compelled the Presiding Officers concerned to submit reports of peaceful polling on those booths even though they were not so.

26. According to respondent, not only this petitioner but also the above Bindeshwari Gami (P.W. 34) were vitally interested in this election for Thakur Yugal Kishore Singh and were actively working for him, and it is he (Thakur Yugal Kishore Singh) who has got this election petition filed through this petitioner with the help of that Bindeshwari Gami.

27. In the different paragraphs of his written statement the respondent has seriously refuted the allegations of corrupt practices, as made in the election petition at the concerned polling stations, boothwise, asserting that the poll was peaceful at those booths and the reports submitted by the polling parties to that effect fully represented the correct state of affairs.

28. According to the respondent, R. R. Kaur (P.W. 46), Police Inspector of Sursand Circle is distantly related to Thakur Yugal Kishore Singh, who is the man behind this election petition, and has created some circumstantial documents in collusion with that Police Inspector to use them in this case. It is wrong to say that that Police Inspector had succeeded in over-taking the bus No. BRF 4588 near Kakanahia polling booth. On the other hand, that bus was illegally seized and some persons were illegally arrested through the manoeuvring of that Police Inspector to help Thakur Yugal Kishore Singh because at the time of this election the party leader was the Chief Minister of Bihar. Taking advantage of that, Thakur Yugal Kishore Singh with the help of that Police Inspector brought the Subinspector of Sursand Police and other Government authorities in his collusion and in that way brought about the seizure of that bus with its innocent occupants. It is false to say that the respondent had approached the authority like the District Magistrate and others to have those persons released along with the

bus. In fact, there was no case at all against those persons, and it has been learnt that the proceeding had automatically been dropped and the arrested persons were released. The allegations made in the different station diary entries of Sursand police station in that connection were not only false but concocted.

29. Respondent's further assertion is that though there was never any incident of the alleged nature at Sitamarhi Oriental Middle School booth, but in the election petition the names of Damodar Jha and Thakur Girjanandan Singh, have been introduced for creating false evidence because when there was no incident during the poll at that booth they had never any occasion for sending any telephonic information to the Magistrate incharge of the Control Room. It is equally false to say that the Control Room had deputed B. N. Singh to prevent the respondent and his workers from interfering with the voters because there was never any occasion for it. Similarly, since there were never any incident of the alleged kind at Sitamarhi Lakshmi High School booth there was no occasion for the alleged report to the Election Control Room at Sitamarhi by Ramanand Singh, M.L.A., who is a relation of Thakur Yugal Kishore Singh and was also working for him in this election. Nor there was any occasion for report of the alleged nature by the patrolling party No. 159. Prahlad Singh (P.W. 39), Sub-Inspector of Sitamarhi police station was very close to Thakur Yugal Kishore Singh being his caste man. So, in order to create a false case he (Prahlad Singh) seized the bus No. BRF 5588 and arrested some persons sitting on it merely on suspicion, though admittedly no overt act had been committed by any of those persons nor there was any report against them. Those persons had been arrested and put in jail without any rhyme or reason. He (respondent) has denied about his alleged approach to the authorities for securing the release of those persons in the bus. He has also refuted the allegation regarding his election agent Sitaram Yadav and supporters like Dr. Devendra Nath and Ram Bahadur Singh, M.L.A. etc. moving on jeeps along with *lathials* loaded in buses to capture the booths concerned, asserting that any allegation to the contrary is false and concocted.

30. As far as the respondent is aware, all the polled ballot papers duly bore the signature of the Presiding Officers and if on any one or two of them the Presiding Officer had forgotten to put his signature the petitioner should not be allowed to make out a false case of bogus voting on that basis. There was never any complaint on the part of Thakur Yugal Kishore Singh or any of his men regarding bribing of the personnel of the polling or patrolling parties to secure their assistance to get the ballot papers and boxes for being utilised in his (respondent's) favour. The allegation of the petitioner against the respondent and his polling agent Bishambhar Sharma regarding tampering of the polled ballot box by bribing the Presiding Officer of the Riga C.D. & C.M. Union booth No. 91 in collusion and cancellation of more than 300 votes polled in favour of Thakur Yugal Kishore Singh has been characterised to be wholly false and baseless and that there was never any such incident at all on this booth. It is equally false to say that the Presiding Officer and the patrolling party of that booth No. 91 did not deposit the polled ballot box at Sitamarhi in time. Since there was never any such incident in respect of this booth the question of Thakur Yugal Kishore Singh's drawing the attention of the authority concerned while counting the ballots of that box did not arise.

31. The respondent has also described the allegations of threats to the voters like Jainarain Prasad, Ram Naresh Prasad Yadav and Bilat Thakur as wholly false. He has also denied any Dipal Singh to be his worker or supporter, in this election. He has further pleaded ignorance about the filing of an application like Annexure I by Thakur Yugal Kishore Singh's polling agent to the Presiding Officer at Jamuaha Lower Primary School booth and has asserted that the allegations made in it (annexure I) are false.

32. According to the respondent everything regarding his election which he has won by a margin of about 29,000 votes was in order and according to law and as such it does not deserve to be interfered with on false and frivolous allegations made in the election petition which are all inspired. His further prayer is that in the circumstances the election petition which is based on false and imaginary allegations must be dismissed with exemplary costs.

33. On the pleadings, the following issues have been settled for decision:

ISSUES

1. Is the election petition, as framed, maintainable?
2. Is the amendment to the election petition, as allowed by the Court in its order dated 14-5-1971 in accordance with law, and if not, what is its effect on the election petition?
3. Is the election petition liable to be dismissed for non-compliance of sections 81, 82, and 83 of the Representation of the People Act, 1951?
4. Is the respondent guilty of having committed corrupt practices within the meaning of section 123 of the Representation of the People Act, 1951, as alleged in the election petition? If so, has the result of the election been materially affected thereby?
5. To what relief, if any, is the petitioner entitled?

FINDINGS

Issue No. 1.

34. In course of his arguments learned counsel for the respondent conceded that the election petition, as it stands, does not suffer from non-compliance of the provisions of section 81 of the Act. He, however, contended that for the failure of the petitioner to implead Ram Sewak Saran Yadav as a party in the election petition since he was a candidate in this election in that he had filed his nomination paper which, on enquiry, was found to be in order but was subsequently withdrawn before the poll and against whom allegation of corrupt practices has been made in the election petition it must be held to be non-maintainable in the form presented.

35. So far as above alleged defect regarding non-impleading of Ram Sewak Saran Yadav is concerned, it falls under section 82 of the Act and on this point a specific issue (No. 3) has been raised for decision as to whether there has been such non-compliance in the election petition and is it liable to be dismissed for this reason. Accordingly, this point will be dealt with on merit while considering issue No. 3 to find out whether there is such a defect and if so, what is its effect. At the present moment all that is necessary to be considered here is whether this election petition in the form presented can be held to be unmaintainable.

36. Section 80 read with section 80A of the Act provides for the calling in question of an election only by means of an election petition presented to the High Court in accordance with the provisions of the Act. Section 81 requires such an election petition to be presented on one or more of the grounds specific in section 100(1) and section 101 of the Act by a candidate in such an election or any elector within 45 days from the date of the election of the returned candidate. It also enjoins that every election petition shall be accompanied with as many attested copies thereof as there are respondents mentioned in the petition. In this case, as already observed, there is only one respondent who is the returned candidate.

37. In the election petition the petitioner as an elector has challenged the respondent's election on grounds of corrupt practices like interference with voters' free exercise of electoral right by the respondent, his election agent and his workers and supporters with his consent. He has also alleged against them procurement of assistance of Government servants for the furtherance of the prospect of his election. Both these allegations fall within the category of corrupt practices mentioned in section 123 of the Act. Such grounds come within section 100(1), on whose basis, as already observed, it is open to an elector to call in question the candidate's election under section 81 of the Act.

38. There is no dispute that the respondent was declared elected in this election on 11-3-1971. Accordingly, the period of limitation of 45 days for the representation of this election petition expired on 25-4-1971, which was a holiday being Sunday. On 24-4-1971 also, which was a Saturday, there was no Court sitting. The election petition was, how-

ever, presented by the petitioner's counsel to the Judge, who was authorised to receive such petitions, on 24-4-1971 at his residence. He returned it to the petitioner for presentation in open Court on Monday the 26th April, 1971. Accordingly, it was presented in open Court on that day, i.e., 26-4-1971.

39. On the above facts, it is difficult to discover any defect in the election petition, as framed, as to make it unsustainable on the face of it. Having complied with the requirements of section 81 of the Act, which fact, as already observed, has also been conceded during the arguments of the respondent, I do not think, respondent's contention against the maintainability of this petition as framed can prevail. This issue, in the circumstances, is answered in the affirmative, and decided accordingly.

Issue No. 2.

40. On behalf of the respondent, it has been strenuously contended that the Court should have point blank refused the amendment sought to be made by the petitioner in the election petition, but instead of doing so the Court allowed those amendments in its order dated 14-5-1971 which was far beyond the period of limitation for filing the election petition which expired on 26-4-1971 (25-4-1971 being a Sunday). According to respondent's counsel, schedules III and IV of the amendment petition were completely new and purported to introduce absolutely new charges by and against the persons named therein which had no connection with the charges alleged in the main election petition. Accordingly at least those portions of the amendment should have been treated by the Court to be a new case altogether which the petitioner had tried to make out after expiry of the limitation period and should have, therefore, been disallowed.

41. Having carefully considered the relevant facts as also the position of law in this regard I am unable to agree with the above contentions of the respondent. As already shown, the election petition was formally presented in Court on 26-4-1971 which was within time. On this very day, i.e., 26-4-1971 the petitioner filed his amendment petition. In this amendment petition it was averred that due to mistake certain material facts had been left out in the election petition and the petitioner had been advised to file this amendment which should be treated as a part of the election petition. The amendments sought were in paragraphs 11, 13, 18 and 30 of the election petition. It further requested to add two schedules (Nos. III and IV) to the election petition. These schedules set out certain names by/against whom alleged corrupt practices were said to have been committed by the respondent and his men.

42. The above amendment petition was considered by the Court on 14-5-1971 which allowed it to be kept on the record to form part of the main election petition. The Court further left it open to the respondent, after he appeared in the case, to raise objections on the amendment on the ground of limitation or otherwise. The election petition, in due course, was admitted for hearing on 18-5-1971, whereafter notices were issued to the respondent fixing 8-7-1971 for his appearance and for filing of written statement, if any.

43. As the amendments stood, those sought to be made in paragraphs 11, 13, 18 and 30 of the election petition were more or less of formal nature purporting to insert certain wanting particulars of persons by way of amplification in that behalf. It may be mentioned that in course of arguments no serious objection has been taken to the grant of these amendments in paragraphs 11, 13, 18 and 30. What has been really objected to is regarding the new schedules III and IV which, according to respondent, had introduced absolutely new charges against those persons about which the election petition was completely silent.

44. The petitioner's case regarding the introduction of schedules III and IV in the election petition is set out in paragraphs 5 and 6 of the amendment petition. In the main election petition, in paragraphs 23, 24 and 28 to 30 the petitioner and alleged capturing of booths and also forcible obtainment of the ballot papers from the Presiding Officers of the various polling parties by the respondent, his election agent and other agents and workers with his consent. In schedule III he purported to mention the names of such Presiding and Polling Officers whose assistance, according to him,

was available to the respondent and his men in commission of those acts. Similarly, in schedule IV he gave out the names of certain Polling and Presiding Officers as also petitioner's polling agents and workers against whom, according to him, corrupt practices, as alleged in the relevant paragraphs of the election petition, had been committed by the respondent, his election agent and other workers and agents. A perusal of the main election petition will show that allegations of this nature against the respondent and his men did exist therein and this schedule (No. IV) simply mentioned the names of persons against whom, as the petitioner alleged, the respondent and his men had perpetrated those acts. In these circumstances, it is, I think, not quite correct on the part of the respondent to urge that under these schedules the petitioner had tried to introduce a new case for the first time making fresh charges by/against the persons named in these schedules. As these amendments stood, they could well be said to be clarifications or amplifications, as the case may be, of the particulars of such corrupt practices alleged in the election petition.

45. Amendments of the above nature, to my mind, were permissible in law. Sub-section (5) of section 86 of the Act empowers High Court to allow the particulars of any corrupt practice alleged in the election petition to be amended or amplified in such manner as may in its opinion be necessary for ensuring a fair and effective trial of a petition. It, however, bars any amendment which will have the effect of introducing particulars of the practice not previously alleged in the election petition. This bar was, however, not applicable to these amendments because, as I have already pointed out, they could not be treated as introducing particulars of a new corrupt practice not already alleged in the election petition. In fact, on my above showing it will be seen that the allegations of these corrupt practices did find place in the election petition and the contents of these schedules (Nos. III and IV) purported to disclose the names of the persons concerned by or against whom they had been committed.

46. The question of entertaining or allowing this amendment petition after the period of limitation could not be said to have arisen in view of the fact that this amendment petition was filed on the same day, i.e. 26-4-1971, on which the election petition was presented and that was within the prescribed period. The Court also allowed these amendments on 14-5-1971 subject to objection, if any, by the other side and it was before the admission of the election petition which took place on 18-5-1971. On the mere fact that this amendment was actually allowed on 14-5-1971 by the Court, it will not, perhaps, be correct to say that it could not be done then because the limitation for filing the election petition had already expired on 26-4-1971. Once this amendment petition had been filed in Court within time, it was, I think, always open to the Court to deal with it on any subsequent date. The party's responsibility ended after he had filed the amendment petition and it was not for the Court to deal with it and pass necessary orders. The Court in its turn waited for the matter being placed in the usual course by the office before it for necessary orders, and when this matter appeared before the Court on 14-5-1971 it accepted the amendment and, as already, noticed, this was before the admission of the election petition.

47. In the aforesaid circumstances, it will thus be manifest that the amendment so allowed by the Court on 14-5-1971 was quite in order and it did not in any way infringe with any law on the subject. In that view of the matter the question of this amendment as allowed by the Court having any adverse effect on the election petition does not at all arise. For these reasons, this issue is decided in favour of the petitioner.

Issue No. 3

48. In this issue, dismissal of the election petition has been sought for non-compliance of sections 81, 82 and 83 of the Act. While dealing with issue No. 1, it has been shown that the election petition does not suffer from non-compliance of section 81 of the Act. In fact, as already observed, learned respondent's counsel has conceded that there is no non-compliance of section 81 of the Act in the election petition. As to non-compliance of section 83, on behalf of the respondent, it has been urged while dealing with the subsequent issue

No. 4. Accordingly, non-compliance, if any, of section 83 and its consequences on the election petition will be discussed while considering issue No. 4. In these circumstances, the only point which requires consideration under this issue (No. 3) is regarding non-compliance of section 82 of the Act and its effect on the election petition.

49. On the point of non-compliance of section 82 of the Act, it has been urged for the respondent that Ram Sewak Saran Yadav, who according to the petitioner's own case was a candidate in this election and had filed his nomination paper, which, on scrutiny, was held to be valid but was subsequently withdrawn by him (Ram Sewak Saran Yadav) before the date of the poll and against whom allegations of corrupt practices have been made in the election petition, was a necessary party to the election petition under section 82 of the Act and the petitioner's failure to implead him in the election petition must be treated as fatal to the maintainability of the election petition and on account of this vital omission the election petition has to be dismissed, in view of the provision of section 86 of the Act which enjoins on the High Court to dismiss an election petition which does not comply with the provision of section 82.

50. In paragraphs 4 and 5 of the election petition the name of this Ram Sewak Saran Yadav figures as one of the candidates who had filed his nomination paper in this Parliamentary election but had subsequently withdrawn that nomination paper. The correctness of the respondent's (R.W. 47) statement that Ram Sewak Saran Yadav, who is his separated cousin, had filed his nomination paper in this election but had subsequently withdrawn it after it had been accepted has not been challenged by the other side. Similarly, the statement of Ram Sewak Saran Yadav (R.W. 27) that in this Parliamentary election he had filed his nomination paper as an independent candidate but had subsequently withdrawn that nomination has not been controverted by the other side. On these facts it is thus established beyond doubt that this Ram Sewak Saran Yadav had filed his nomination in this election but had withdrawn it after its acceptance in scrutiny.

51. In paragraph 23 of the election petition it has been alleged that respondent's election agent Sita Ram Yadav along with Ram Sewak Yadav and other workers (who have also been named) were found moving on a jeep accompanied with about 100 *lathials* seated on a bus from one polling station to another and they had captured the polling booths (named in this paragraph 23) and after obtaining ballot papers from the Presiding Officers concerned and stamped and put them into ballot boxes. In paragraph 24 of the election petition the allegation is that by capturing the booths and snatching the ballot papers, about 95 per cent bogus votes were polled after restraining and terrorising genuine voters at 29 polling stations (all of whom have been named in this paragraph) including Mehsaul Urdu Madarsa, Mehsaul Lower Primary School and Bhairo Kothi booths. In schedule I to the election petition (item no. 46) the name of this Ram Sewak Yadav finds mentioned among the persons who have been named by the petitioner as having committed corrupt practices with the consent of the respondent at various polling stations at the relevant time and date. According to this schedule this Ram Sewak Yadav had committed corrupt practice on the poll day (1-3-1971) at Mehsaul polling booth.

52. In course of his arguments on this issue learned counsel for the petitioner has submitted that the above Ram Sewak Saran Yadav who had filed his nomination paper but had subsequently withdrawn it and the above Ram Sewak Yadav as mentioned in paragraphs 23 and 24 read with schedule I of the election petition are not one and the same person. According to counsel, Ram Sewak Yadav against whom the petitioner has alleged commission of corrupt practices in the election petition was different from that Ram Sewak Saran Yadav and, as such, the petitioner was under no obligation to implead him (Ram Sewak Saran Yadav) as a party in this election petition and his omission to do so does not involve any illegality in the election petition. His second contention is that even if both the names related to the same person but the respondent cannot be now allowed to raise this point because no specific issue had been raised regarding this matter. In the end, his submission is that the allegation of the petitioner, as made in this behalf against Ram Sewak Saran Yadav or Ram Sewak Yadav, as the

case may be, is not that of a corrupt practice, and, as such, it was not at all necessary for the petitioner to make him a party in the election petition under section 82 of the Act.

53. Under section 82 which deals with persons who are to be made parties to an election petition, a petitioner is mandated to join as a respondent to the petition besides the persons mentioned in clause (a), any other candidate against whom allegations of any corrupt practice are made in the election petition. 'Candidate' under section 79(b) of the Act means a person who has been or claims to have been duly nominated as a candidate at any election and any such person shall be deemed to have been a candidate as from the time when, with the election in prospect, began to hold himself out as a prospective candidate.

54. As I have already shown above, Ram Sewak Saran Yadav was such a candidate in this election as he had filed his nomination paper which on scrutiny was held to be valid but he subsequently withdrew that nomination prior to the poll. That being so, it was incumbent upon the petitioner to implead this Ram Sewak Saran Yadav as a party in the election petition when he has made allegations of corrupt practice against him in it.

55. As observed above, the petitioner in course of arguments has tried to show that the candidate Ram Sewak Saran Yadav was different from Ram Sewak Yadav against whom allegations of corrupt practices have been made in the election petition. A careful scrutiny of the materials on record however proves that this stand is without substance. In cross-examination (paragraphs 18 and 19) of Ram Sewak Saran Yadav (R.W. 27) it has been specifically suggested by the election petitioner that on the poll day he (Ram Sewak Saran Yadav) did not remain at his village and after casting his vote in his village he went in the company of Sita Ram Yadav, Faturi Singh, Hardeo Narain Yadav, Sheonandan Paul and Indradeo Narain Yadav and others in a jeep and captured several booths and disturbed the poll at them and also that on that day he had gone out in the company of above Sita Ram Yadav and others to the polling stations at Tandaspur, Mehsaul and Bhairo Kothi on a jeep carrying *lathials* with them on a bus and that arriving at those booths they all got into the booths and drove away voters and then forcibly took the ballot papers from the Presiding Officers, stamped them and consigned them to the ballot boxes (he has, however, denied these suggestions). A comparison of these specific suggestions to Ram Sewak Saran Yadav (R.W. 27) with the petitioner's case as set out in paragraphs 23 and 24 read with schedule I of the election petition (where this name occurs as Ram Sewak Yadav) hardly leaves any doubt that by both these names one and the same person is meant. Even to respondent (R.W. 47) pointed suggestion of the petitioner in paragraph 64 of his (R.W. 47) cross-examination is that his (respondent's) workers Faturi Singh, Sitaram Yadav, Ram Sewak Saran Yadav, Indradeo Prasad Yadav, Sheonandan Paul and Hardeo Narain Yadav with his consent had visited the polling booths, namely, Tandaspur, Lower Primary School booth, Mehsaul Urdu Madarsa, Mehsaul Lower Primary School, Bhairo Kothi Lower Primary School on 1-3-1971 on a jeep along with a number of *lathials* boarded on a bus and captured them and drove away the voters who were then waiting there to cast their votes, and after forcibly taking ballot papers from the Presiding Officers put them into ballot box after stamping them. This suggestion is in line with the petitioner's allegation as made in paragraphs 23 and 24 read with schedule I of the election petition. In this suggestion to the respondent the name of Ram Sewak Yadav has not been mentioned to distinguish it from Ram Sewak Saran Yadav. R.W. 48 (Banwari Lal Agrawal) was the Presiding Officer in this Parliamentary poll at Mehsaul Lower Primary School booth. In the petitioner's suggestion regarding arrival of respondent, his men and workers at the Mehsaul Lower Primary School booth to him (R.W. 48) (*vide* cross-examination para 14) as also to the second Polling Officer (R.W. 49) of the other Mehsaul booth, namely, Mehsaul Urdu Madarsa booth (*vde* cross-examination para 11) the name of one of those workers mentioned is Ram Sewak Saran Yadav. In the cross-examination (paragraphs 10 and 11) of above Sheonandan Paul (R.W. 16) the name suggested of the person concerned is Ram Sewak Yadav. Similar seems to be the suggestion in paragraph 20 of cross-examination of above Hardeo Narain

Yadav (R.W. 17) regarding this man. All these evidence when read together cannot leave any one in doubt that the petitioner's allegation in the election petition of corrupt practice regarding interference in the shape of terrorising and restraining the voters from casting their votes when they had assembled at those booths for that purpose unmistakably refers to above Ram Sewak Saran Yadav and none else. In such a circumstance the above attempt of the petitioner to distinguish the two names (Ram Sewak Saran Yadav and Ram Sewak Yadav) as referring to two different persons at the belated stage of arguments appears to be nothing but an afterthought to any how escape the penalty of law provided for his omission to implead him (Ram Sewak Saran Yadav) as a party in the election petition which it was imperative for him to do.

56. From what I have stated above, it is amply clear that the allegations which have been made against this Ram Sewak Saran Yadav that he and others accompanied with a number of *lathials* visited during poll several booths where after terrorising and threatening the voters concerned made them quit the polling stations and then cast the ballot papers after forcibly obtaining them from the polling parties in favour of the respondent do obviously constitute a corrupt practice of undue influence contemplated by section 123(2) read with section 79(d) of the Act. Since these allegations of corrupt practice have been levelled against Ram Sewak Saran Yadav who, as shown above, was a candidate in this election, he is to be treated as a necessary party to the election petition as required by section 82(b) of the Act and it was imperative on petitioner's part to make him a party in the election petition and his omission to do so has the effect of making it liable to dismissal under section 86 of the Act.

57. The above contention of the petitioner that since no specific issue on this point has been raised the respondent is not entitled to avail of this defence at this stage is, I think, not at all tenable. As this issue (no. 3) stands, it categorically involves the question of non-compliance of section 82 and its consequence on the election petition. As this issue has been framed it is not correct on the part of the petitioner to urge that no specific issue has been raised regarding this point. In fact, there is such an issue in the case and this requires consideration on merit. This obviously negatives his other contention that since no specific issue had been raised on this point, help of section 86 of the Act cannot be invoked by the respondent at this late stage. In this connection the respondent has invited my attention to order no. 31 dated 29-3-1972 of the Court in this election case. The question at that time was whether the party should be heard on preliminary issue like nos. 1, 2, and 3 at that point of time before calling upon them to commence the evidence in the case. After some arguments both sides agreed that the better course was to proceed with the evidence in the case at that stage and their arguments heard on these preliminary issues along with the other issues after the close of the evidence because that step was considered to be in the interest of expeditious disposal of the election petition. Accordingly, both sides were left at liberty to advance arguments on these preliminary issues also in the context of materials on records along with the other issues after the evidence of both sides had been gone into. It was further agreed at that time that it would be fully open to the respondent to address the Court on merit on these preliminary issues and his above agreement to the postponement of the hearing of these issues to be heard subsequently along with other issues after the evidence had been completed was not to be treated as his (respondent's) waiver regarding them (preliminary issues) in any way. It is in this background that the respondent has been allowed to make his submission on this preliminary issue no. 3, and I do not think it is open to the other side to ask the Court to disallow the respondent this privilege on the ground that it is now late for him to raise this question and invoke the aid of law to get hold that the election petition is liable to dismissal on this score.

58. The result of my above findings is that Ram Sewak Saran Yadav, who was a candidate in this election and against whom allegations of corrupt practice have been made, has not been made a party in the election petition though it is incumbent upon the petitioner to implead him as a party in view of the provision of section 82(b) of the Act and the legal consequence of this vital omission is that the election petition has to be treated as liable to dismissal as enjoined by section 86(1) of the Act.

59. My above views that this election petition is liable to be dismissed for the non-implication of the aforesaid necessary party Ram Sewak Saran Yadav would seem to be supported by the Supreme Court authorities in Har Swarup and another V. Brij Bhushan Saran and others (A.I.R. 1967 Supreme Court 836), Nathu Singh Indra Singh and others V. Trikamal Jamna Das Patel and others (1969 Doabia's Election Cases 434) and Kashinath V. Smt. Kudsia Begam and others (AIR 1971 Supreme Court 372).

60. In the first case (A.I.R. 1967 Supreme Court 836) where the election of one Brij Bhushan Saran (respondent) to the U.P. Legislative Assembly was challenged, one Raturi Vaid was another candidate at that election but he (Raturi Vaid) had withdrawn his candidature within the time fixed for withdrawal. He belonged to the same party as the returned candidate and worked for him. After the election an election petition was filed by two electors praying to set aside the election of Brij Bhushan Saran and one of the grounds taken in the election petition was that Raturi Vaid had threatened an elector after the date of his withdrawal from the candidature that the elector's bones would be broken if he did not cast his vote for Brij Bhushan Saran and also did not work for him and persuade others to vote for him. The Election Tribunal held that this amounted to corrupt practice within the meaning of section 123(2) read with proviso (a) (i) thereof and that since that corrupt practice was committed by a candidate, namely Raturi Vaid it was necessary to join him as a respondent to the petition, which having not done the Tribunal dismissed the petition under section 90(3) of the Act. The appeal to the High Court against that decision of the Tribunal was also dismissed. On the basis of the certificate granted by the High Court there was an appeal to the Supreme Court which also failed. Their Lordships of the Supreme Court held Raturi Vaid to be a candidate as defined in section 79(b) of the Act even after his withdrawal and if he was alleged to have committed a corrupt practice whether before or after his withdrawal he would be necessary party under section 82(b) of the Act. In the instant case, as already noted, above Ram Sewak Saran Yadav who had withdrawn his candidature after his nomination paper had been held to be valid is alleged to have indulged in corrupt practice of the above nature on behalf of the returned candidate, namely, the respondent at several booths.

61. In the next case (1969 Doabia's Election Cases 434), the appellant who had contested the Gujarat State Assembly election and lost of the first respondent on February 23, 1967 filed an election petition on April 10, 1967 for setting aside that election and also for an order that the fourth respondent be declared elected. In the election petition it was alleged that the first respondent and his election agent Jamna Shanker Pandya and other agents with their consent had committed corrupt practice within the meaning of section 123 of the Representation of the People Act, 1951 and that an election pamphlet was published in the name of Shri Damubhai Chaganlal Shukla, Convener, Election Propaganda Committee, Ahmedabad City Congress Committee, Ahmedabad maligning the left Community party and the appellant and exhorting the voters to vote for the first respondent. Jamna Shanker Pandya was one of the persons who had filed his nomination for election to the constituency, but he had later withdrawn his candidature. Jamna Shanker Pandya was, however, not impleaded as a party respondent to the petition even though specific allegation of corrupt practice was made against him in the election petition. The first respondent applied to the High Court praying for an order that the election petition was liable to be dismissed because Jamna Shanker Pandya, against whom allegations of corrupt practice were made, was not impleaded as party respondent. The appellant then applied on June 16, 1967 for an order under Order 1, Rule 10 of the Code of Civil Procedure to implead Jamna Shanker Pandya as a party-respondent. The High Court rejected that application and ordered that the election petition do stand dismissed for want of compliance with section 82(b) of the Act. That dismissal of the election petition was also upheld in the appellant's appeal to the Supreme Court where their Lordships observed that Jamna Shanker Pandya, who had been nominated as a candidate for election and had since withdrawn his candidature was for the purpose of section 82, a candidate and must have been impleaded as a necessary party to the election petition when allegations of corrupt practice had been made against him, whether committed before or after his withdrawal; since the appellant

had failed to implead him in the election petition it rendered the election petition defective and the High Court was bound to dismiss the election petition. Their Lordships in that case upheld the correctness of the rejection of the appellant's prayer to implead that Jamna Shanker Pandya as a party on the basis of his petition of June 16, 1967 as it was beyond the period of limitation prescribed for filing an election petition. In the instant case, it is however to be noted that the election petitioner has never made any attempt to bring the above candidate Ram Sewak Saran Yadav on the record.

62. In the last case (A.I.R. 1971 Supreme Court 372) the appellant had sought to challenge the election of respondent no. 1 to the U.P. Legislative Assembly held in February, 1969. On January 9, 1969 which was the date fixed for filing the nomination papers of the candidates, 9 candidates including Aizaz Rasul, who was the husband of respondent no. 1, filed their nominations. Nomination paper of Aizaz Rasul was found to be in order in course of the scrutiny held on that date (January 9, 1969). After the nomination papers had been accepted Aizaz Rasul and one other candidate withdrew from the contest leaving only seven candidates in the field. The polling in due course took place on February 7, 1969 and respondent no. 1 was declared elected on February 10, 1969. On March 27, 1969 the appellant filed the election petition in the Allahabad High Court impleading respondent no. 1 and the six other contesting candidates as parties. Aizaz Rasul was, however, not impleaded as a party. The High Court dismissed the election petition in accordance with the terms of section 86(1) of the Act on the ground that the allegations of commission of corrupt practices had been made against Aizaz Rasul and, therefore, it was incumbent upon the election petitioner to have impleaded him as a respondent. Appellant's appeal to the Supreme Court against that dismissal of the election petition was also dismissed for the same reasons. Their Lordships in the Supreme Court clearly laid down that a candidate who has withdrawn has also to be joined as respondent if there allegation of corrupt practice against him.

63. In this connection I would also refer to the Supreme Court authority in Amin Lal V. Hunna Mal (A.I.R. 1965 Supreme Court 1243) where it has been held that a person who was a duly nominated candidate though he withdrew his candidature within the time permitted by the rules must, for the purpose of section 82 still be regarded as a candidate and when an election petition contains any imputation of corrupt practice against such a person, it cannot be regarded as properly constituted unless he was impleaded as a respondent.

64. As a result of my above findings in connection with the non-compliance of section 82 of the Act and its effect on the election petition, I hold that the election petition manifestly suffers from this vital defect in that the petitioner has failed to implead above candidate Ram Sewak Saran Yadav as a party to the election petition which it was mandatory on his part to do to fulfil the requirement of section 82(b) of the Act and as a consequence thereof the election petition is liable to dismissal for this non-compliance as provided in section 86 of the Act. In the circumstances, I would answer this issue in so far as it relates to non-compliance of section 82 of the Act in the affirmative, and decide this point accordingly.

Issue No. 4

65. While making his submission on this issue (no. 4) learned respondent's counsel urged that the petitioner's case of corrupt practice as alleged in the election petition, suffers on the point of their necessary particulars because under section 83(b) of the Act the petitioner in the election petition is required to set forth full particulars of any alleged corrupt practice including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of commission of each such corrupt practice. According to counsel, this mandatory requirement of law is lacking in the election petition. To my mind, this contention has not much substance in it. Regarding the relevant paragraphs in which allegations of corrupt practices have been made in the election petition together with the schedules appended thereto one cannot but feel inclined to hold that there is no such

defect. In paragraph 10 of the election petition the respondent along with his election agent and his other agents and workers with his (respondent's) consent are alleged to have committed corrupt practices of undue influence at several places and polling stations on the date of the poll by assaulting, threatening and terrorising the voters, polling agents and supporters of the other contesting candidates resulting in non-exercise of franchise by a large number of voters. In schedule I, the petitioner has sought to list the names of such alleged offenders as also the time, date and place of the commission of the offence. Similarly, in paragraph 11, the petitioner alleged that respondent's two polling agents (named therein) had captured Majhaura polling station within Bathnaha Assembly constituency through *lathials* and thereby restrained several voters from casting their votes and had also illegally cast ballots after forcibly taking them from the Presiding Officer. In schedule II the details of such restrained voters have been sought to be set out along with the name of the booths and constituency concerned. In paragraph 23 and 24 allegations of capturing of a large number of polling booths, as named therein and casting of ballots in the ballot boxes by the respondent, his election agent and other workers with his consent by forcing the Presiding Officers concerned to part with those ballots and also regarding restraining and terrorising the genuine voters have been made. In paragraphs 28 to 30 allegation of tampering with the seal of the polled box by the respondent and his polling agent in collusion with the Presiding Officer of booth no. 91 at Riga (known as Cane Development and Co-operative Marketing Union Booth, Riga) has been made. Regarding this booth it has also been alleged that in that way the respondent had got the seal of the ballot box broken and cancelled about 300 votes which had been cast in favour of the Samyukta Socialist Party candidate Thakur Yugal Kishore Singh. In schedule III, the petitioner has set out the names and designation of the Presiding and Polling Officers whose assistance, according to him, had been obtained by the respondent and his men in those regards. In schedule IV of the election petition names of the Polling Officers as also polling agents and workers of the Samyukta Socialist Party candidate with the booths and constituencies concerned have been mentioned in relation to the allegations made in that behalf in the relevant paragraphs of the election petition.

66. On the basis of the above facts I am unable to agree with the above contention of the respondent that the election petition suffers from non-compliance of the provision of section 83 of the Act. Contrary to it, on the available materials, I would negative this contention and hold that the election petition, as it stands after amendment, has duly complied with the requirements about those particulars under section 83(b) of the Act.

67. As the allegations of corrupt practices stand in the election petition they can well be divided into two parts. The one is under section 123(2) relating to undue influence which is alleged to have been committed by the respondent, his election agent and his other agents and workers with his consent compelling the voters to quit the booths being terrorising resulting in their restraint from exercising their electoral right of voting. Under this head they have also alleged capturing of those booths by respondent and his men as to get the ballots put in the ballot boxes after forcibly obtaining those ballots from the polling parties. The next is under section 123(7) of the Act. Under this head the allegation that the respondent and his agents and men with his consent had obtained and procured the assistance of the Government servants employed in polling at the booths concerned to further respondent's poll prospects.

68. Though in the election petition (paragraphs 23 and 24) allegation of the aforesaid first corrupt practice, namely, undue influence has been made in respect of 29 polling stations, but in Court the petitioner has led evidence only in respect of 13 of them, namely, Jamuaha Lower Primary School Booth within Sonbarsa Assembly constituency, Jogbana Lower Primary School Booth, Majhaura Lower Primary School Booth, Tandaspur Lower Primary School Booth within Bathnaha Assembly constituency, Kumba Middle School Booth, Sutihara Central School Booth and Makunahia Lower Primary School Booth within Sursand Assembly constituency, Ranjipur Pustkalaya Booth, Sitamarhi Oriental Middle School Booth, Sitamarhi Lakshmi High School Booth, Mehsaul Lower Primary School Booth, Mehsaul Urdu Madarsa Booth and Bhairo Kothi Lower Pri-

mary School Booth within Sitamarhi Assembly constituency. So far as the other allegation under section 123(7) is concerned, it is only in respect of one booth, that is, Co-operative Development and Cane Marketing Union Booth, Riga, booth no. 91 within Bathnaha Assembly constituency.

69. On the materials furnished by the parties it would appear desirable to deal with the merit or demerit of the allegations of corrupt practices in respect of the above 14 booths individually. Before I proceed to examine the case on this line it is, however, found necessary to refer to some general comments of Mr. B. C. Ghose, learned counsel for the petitioner, which, according to him, should convince the Court beyond every manner of doubt that the election of the respondent as the returned candidate had been materially affected as to be declared void and set aside.

70. According to Mr. Ghose, the unquestionable evidence of the concerned Subdivisional Magistrate (P.W. 36), the Deputy Superintendent of Police (P.W. 37), Sub-inspector of Police (P.W. 39) and the District Magistrate (P.W. 43) coupled with the documents like the charge sheet, station diary entry and the first information report (Exts. 6, 7 and 8) and the District Magistrate's letter to the Commissioner (Ext. 13) unmistakably establish commission of organised wide spread massive violence at the hands of the respondent, his election agent and his workers and supporters with his consent in the shape of carrying a large number of armed *lathials* in two buses bearing no. BRF 4588 and BRF 5588, which in his evidence the respondent (R.W. 47) has admitted to be of his wife and maternal nephew respectively, to the different booths during the poll where they disturbed the polling and drove away the voters who had assembled there to cast their votes. His submission further is that the arrival of those *lathials* from the side of the respondent on those buses and disturbance in that way has not at all been satisfactorily explained by him because he has not given any alternative case to explain it, and, on the other hand, has completely denied the taking place of those incidents which assertion on the strength of the disinterested evidence of the aforesaid independent official witnesses has got to be discarded outright. Their purpose, according to Mr. Ghose, in the circumstances of the case, was only one and that was to capture the booths after driving away the genuine voters which object they achieved by resorting to hooliganism and creating terror in those voters as to make them run away from the booths without exercising their franchise.

71. On the evidence, as it stands on record, it is not possible to agree with the above general comments of the petitioner. Firstly, the above allegation of carrying of *lathials* on the said two buses to the booths, driving away the voters waiting there to cast their votes and then capturing the booths as to forcibly seize the ballots from the polling parties and casting them in favour of the respondent does not appear to have been made in the evidence led regarding all the 14 booths but in respect of only 4 booths. The men on bus no. BRF 4588 in the petitioner's evidence are said to have disturbed the poll of Numba Middle School Booth and then at Sutihara Central School booth. It is further said that from the latter booth they proceeded to Nakunahia Lower Primary School booth where the bus was seized and they were arrested by the police before they could commit the desired mischief. Regarding bus no. BRF 5588, evidence has been led to show that it disturbed the poll in that way at Sitamarhi Lakshmi High School booth and then proceeded in the town but it was seized along with its occupants by the police officer near Mehsaul crossing in the town. Secondly, on the evidence of these official witnesses it cannot be said that they do prove that they had actually disturbed the poll in that way at these stations. On the other hand, those evidence contain statements which are also supplemented by other materials on record on whose basis it can be inferred that the polling at them had taken place in the usual way undisturbed by their arrival in that manner. On these facts, it would not, perhaps, be correct to conclude as canvassed, that the election of the respondent as a whole had been materially affected as a result of those incidents as to be set aside being void.

72. Section 81 of the act permits presentation of an election petition to challenge the election of a returned candidate on one or more of the grounds specified in sub-section (1) of section 100 of the Act. Under section 100(1)(b) the Court is to declare void the election of the returned candidate if it

finds that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of the returned candidate or his election agent. Under clause (d) (ii) and (iii) of this subsection the Court will invalidate the election of the returned candidate if it comes to the conclusion that the result of the election, as it concerns the returned candidate, has been materially affected by any corrupt practice committed in the interest of the returned candidate by an agent other than his election agent or by the improper reception, refusal or reception of any vote or by the reception of any vote which is void.

73. In the above circumstances, the question whether the respondent, his election agent or his other workers and agents with his consent had actually carried armed *lathials* in the above manner and had driven away the genuine voters of the booths debarring them from exercising their electoral right of casting votes will have to be considered and decided on merits with reference to the evidence on record. If the petitioner's allegation that the respondent, his election agent or other workers with his consent had actually terrorised and driven away the voters at those booths before they could cast their votes is found established by the evidence on record, that will necessarily constitute a corrupt practice of undue influence as envisaged in section 123(2) of the Act and will be a ground for setting aside the respondent's election under the provision of section 100(1)(b) of the Act and in that case the point whether the election has been materially affected or not will not be of any particular significance. The Court must, however, be convinced beyond every doubt by cogent and convincing evidence that actually such a corrupt practice had been perpetrated from the respondents side, and for this the matter will have to be scrutinised in all its relevant aspects with reference to the materials on record. In the same way, for success in the case on the reason of his allegation of the second corrupt practice under section 123(7) of the Act which has been sought to be proved in respect of only one booth, i.e., C.D. & C.M. booth its correctness will have to be tested in the similar manner.

74. I would now take up the consideration on merit of the above first alleged corrupt practice viz. undue influence under section 123(2). As already observed, though in the election petition the petitioner has made such allegations in respect of 29 booths but during hearing he has led evidence only regarding 13 of them (already named).

Re. Jamuaha Lower Primary School booth within Sonbarsa Assembly Constituency.

75. Petitioner's case regarding this booth is set out in paragraph 32 of the election petition. According to it, the workers and supporters of the respondent had reached this polling station during the poll and with a view to capture it, they threatened and terrorised the voters at which Mahabir Mahto (P.W. 6), the polling agent of the Socialist Party candidate Thakur Yugal Kishore Singh (his polling agent form and signatures are Ext. 3, 2 and 2/a), made an application (copy enclosed as annexure 1 to election petition) to the Presiding Officer to take necessary action so that there could be peaceful polling. The particular paragraph of the written statement in which the respondent has denied these allegations as made in this regard the respondent has denied knowledge regarding filing of any application of the above nature by the Socialist Party candidate's polling agent asserting that annexure (i) had been manufactured for the purpose of this case because the allegations therein were vague and general without trying to name of those alleged men of the respondent nor any voter's name found mentioned in it.

76. Petitioner's Knowledge of these incidents is admittedly not direct but derived from above Mahabir Mahto (P.W. 6). According to the petitioner P.W. 47 (vide paragraph 4), about 15—20 days after the poll Mahabir Mahto, who was the polling agent of Thakur Yugal Kishore Singh at Jamuaha Lower Primary School booth, informed him that on the poll day when polling was going on, at about 12.30 P.M. about 50—60 persons came to the polling booth and drove away the voters who were then standing in the queue to cast their vote and came inside the booth whereupon he (Mahabir Mahto) raised protest to the Presiding Officer and filed before him a written petition which the Presiding Officer accepted and granted him a written receipt. His (P.W. 47) further statement is that after hav-

ing been told like that by Mahabir Mahto he asked him to hand over that receipt to him (P.W. 47), but he (P.W. 6) told him that if he (P.W. 47) so liked he could take its copy and if and when necessary he (P.W. 6) would produce its original in court in his evidence, whereupon he (P.W. 47) took its copy from him (P.W. 6). The evidence of Mahabir Mahto (P.W. 6) on this point is that in his village Jamuaha in this election where was only one polling booth where he had cast his vote and worked as the polling agent of the Socialist Party candidate Thakur Yugal Kishore Singh. According to him (P.W. 6), the polling at this booth was not peaceful inasmuch as at about 11 A.M. about 100—150 persons of the Congress candidate Nagendra Prasad Yadav (respondent) arrived at this booth making *hulla* from village Jainagar which is about 700—800 yards from village Jamuaha and at their sight the voters in the queue who numbered 70—80 got frightened and fled away without casting their votes and seeing this he (P.W. 6) filed a written petition against it to the Presiding Officer who received it and acknowledged its receipt by granting him a written receipt for the same. As his further statement is he had prepared that petition in duplicate of which he had made over one to the Presiding Officer and the other he kept himself and it was on this duplicate copy that the Presiding Officer had acknowledged receipt of that petition in his own pen. According to him (P.W. 6), after receiving this petition the Presiding Officer wanted to check *ho-halla* but he could not do it. He (P.W. 6) has produced the above duplicate copy from his custody and along with the Presiding Officer's receipt it has been marked Ext. 1. This Presiding Officer (Mahadeo Prasad Singh) has been examined by the respondent as R.W. 37. He (R.W. 37) is an employee of the Life Insurance Corporation of India, Divisional Office at Mazaffarpur. As he has stated, all along the polling hours from 7.30 A.M. to 4.30 P.M. of that day he was at this booth as its Presiding Officer and that the polling at this booth was all through peaceful and there was never any disturbance of any kind at it. He has denied that when the polling was on at about 11 A.M. about 100—150 men from the side of Nagendra Prasad Yadav arrived at his booth making *hulla* and at their sight some 70—80 voters who were then standing in the queue to cast their votes got afraid and fled away giving up their franchise. He has also emphatically denied the petitioner's suggestion that he (R.W. 37) had been approached by the respondent in this case and when he (R.W. 37) told him that he would give evidence in Court for him denying the statement in this petition then the respondent cited him (R.W. 37) as his witness.

77. He (R.W. 37) has admitted his endorsement and signature in English on Ext. 1. He has also admitted the filing of such petition to him at the polling booth by Thakur Yugal Kishore Singh's polling agent. His (R.W. 37) statement further is that since at that time he did not notice any such *hangama* or situation at the booth he told that polling agent that there was nothing like that and as such no action was called for on his part on that petition and that if such situation arose he would look to it. He has also stated that he did not have any occasion to take action as there was never any *hangama* at the booth and that since that polling agent had filed that petition he kept that original with him and acknowledged its receipt in that way by making his endorsement with signature on the copy of the petition which the polling agent had retained with him. His evidence also is that at the time of this petition was filed he did not notice any fear on the face of the voters there nor did he find any inability on the part of any of those voters to cast their votes and the voters there arranged themselves in queue and one by one cast their votes in the usual way. He (R.W. 37) has been cross-examined at length by the other side. But nothing noticeable has come out on whose strength the veracity of his above averments denying the taking place of any disturbance during the poll in that manner or otherwise, and peaceful passing of the poll can be suspected.

78. The contention strenuously addressed by the petitioner on the basis of the contents of this petition (Ext. 1) that they fully establish the truth of his allegations in this regard cannot be accepted. In this petition all that was said was that at that booth some persons from the said of Nagendra Prasad Yadav had arrived to disturb peaceful polling and that had created sufficient panic among the voters and as a result thereof the voters of Thakur Yugal Kishore Singh had become unable to cast their votes. On these allegations,

in the end its author Mahabir Mahto requested the Presiding Officer to take necessary legal steps. I have already referred to the statement of the Presiding Officer (R.W. 37) that after having received this petition he did not find it necessary to take any action because there was no such disturbance then or even thereafter till the poll was complete. It is significant to find that it (Ext. 1) mentioned in a vague way that some persons from village Jainagar of Nagendra Prasad Yadav had arrived at the booth to disturb the poll without naming any of them. In Court, however, Mahabir Mahto (P.W. 6) has given the number of those few persons as 100—150. He has also admitted that out of those 100—150 persons he recognised 15—20 by face but knew the names of only 5—6. It is then not understood as to how he had omitted to get the name of even one of them mentioned in this petition. Though in Court his (P.W. 6) statement is that as a result of that *hangama* some 70—80 voters who were then in the queue waiting to cast their votes being terror stricken fled away without voting. But in Ext. 1 name of none of those voters finds mentioned. As he (P.W. 6) has admitted, till the date of his evidence in Court (30-3-1972) he had not disclosed the name of any of the above 5—6 persons of 70—80 voters to any one. Such silence on his part would however, appear incompatible with the normal behaviour of one in his position. Such a silence on his part may be feigned to explain the absence of any of those persons or voters as a witness for the petitioner in the case because, as already observed, the petitioner (P.W. 47) has admitted to have met him (P.W. 6) about 15—20 days of this election when the latter is said to have disclosed to him about this incident, and in that case the normal expectation was that the petitioner would have tried to ascertain from him the names of any of those persons or voters so as to summon them as witness to corroborate his case in this respect. It is also noticed that name of any such workers or supporters of the respondent or of those voters does not find mentioned in the election petition of its schedules.

79. To refute these allegations of the petitioners besides the denial of respondent (R.W. 47) there is also the emphatic denial of Habibulla Shah (R.W. 8) who was respondent's polling agent at this booth (*vide* Ext. A/9). As he has said, on the poll day he was at this booth from 7 A.M. till 1.30 P.M. or 1.45 P.M. He has denied that when the polling was on at about 11 A.M. some 100—150 persons came with lathies on behalf of Nagendra Prasad Yadav and entering into the booth drove away the voters and after forcible seizing the ballot papers from the Presiding Officer cast them into the ballot box. He has asserted that the polling at this booth was all along peaceful and there was never any disturbance of any kind till he was there. In his cross-examination it has been taken from him (R.W. 8) that he had worked as the polling agent at this booth upto 2.30 P.M. whereafter Ram Lakhan Mahto came and began to work as respondent's polling agent at this booth. Ext. 4/j is the polling agent's form of this Ram Lakhan Mahto. The respondent, however, has not put him (Ram Lakhan Mahto) into the witness box and reason, as urged, is that his evidence was not very material because he had come to the booth later to the alleged disturbance which, according to the petitioner's evidence took place at about 11 A.M.

80. Thus, after careful considering the above facts and circumstances I am not at all convinced of the correctness of the petitioner's allegation regarding commission of any such corrupt practice by the respondent, his election agent or any other person with his consent. In fact, on the allegations of the petitioner no case of corrupt practice within the meaning of section 100(1)(9b) of the Act has been made out. As such, success cannot be on his side on this point unless he has been able to establish that the respondent's election as the returned candidate had been materially affected. There is, however, no sufficient material on whose basis the respondent's election having been materially affected in any way can be even inferred.

Re. Tandaspur Lower Primary School booths within Bathnaha Assembly constituency.

81. There is no dispute that at this polling station there were two booths adjoining each other, one on the east and the other on the west. The petitioner's case regarding this station is set out in paragraph 23 read with schedule I to IV of election petition. His allegation is that as he had learnt, the respondent's election agent Sitaram Yadav along with Ram Sewak Yadav and other workers, namely, Indradeo Prasad Yadav, Sheonandan Paul, Hardeo Prasad Yadav,

Sonelal Rai and Faturi Singh who were moving on jeep No. BRF 6809 from one polling station to another had come to these booths at Tandaspur and after forcibly taking the ballot papers from the Presiding Officers stamped and inserted them into the ballot boxes. This allegation of the petitioner has been specifically denied in paragraph 18 of the written statement filed by the respondent where it is asserted that no such incident had ever taken place at those booths nor at any other booth. In paragraph 19 of the written statement the respondent has also denied the petitioner's allegation as made in paragraph 24 of the election petition where he has alleged the capturing and snatching of ballot papers and casting of 95 per cent bogus votes after restraining and terrorising the genuine voters at the 29 polling booths as named in this paragraph No. 24. Though above Tandaspur booths are not included in these 29 booths of paragraph 24 but in course of argument on behalf of the petitioner it has been urged that allegations of such casting of bogus votes by capturing the booths after driving away the genuine voters was also meant to apply to them (Tandaspur booths).

82. The evidence of the petitioner in proof of these allegations regarding Tandaspur booths consists of petitioner's (P.W. 47) own testimony coupled with those of Dindayal Paswan (P.W. 7) and Ram Swarath Singh (P.W. 8). As he (P.W. 47) has stated in paragraph 11 of his evidence, 7 or 8 days after the counting of votes in this election he was told by Dindayal Paswan and Ramswarath Singh at village Rupauli when he (P.W. 47) was returning home from Sitalmarihi that at about 9 or 10 A.M. on the election day when the polling was going Faturi Singh, respondent's election agent Sitaram Yadav, Hardeo Rai, Sheonandan Paul and Ram Sewak Yadav came to the Tandaspur polling booth on jeep No. BRF 6809 and got down and very soon thereafter bus No. BRF 4588 arrived there wherefrom 50—60 persons came out who were all armed with lathi, cane, chhuri and other weapons; thereafter all those armed men reached the queue where the voters were standing for casting their votes and made those voters flee away after threatening them and then they all went to the Presiding Officer and forcibly snatched away ballot papers from him and consigned them into the ballot box after stamping them. It is thus evident from this statement of P.W. 47 as also his verification of the election petition where he has averred to the truth of these allegations on information that he had received from the documents as also voters, polling agents, workers and supporters of the candidates other than the respondent, that he (P.W. 47) had no direct knowledge of these alleged incidents. So his testimony in this regard cannot be said to be of much value and its truth or otherwise has to be ascertained and determined on the evidence of his above informants P.Ws. 7 and 8 who are alleged to be its eye witnesses.

83. Dindayal Paswan (P.W. 7) has said that on the election day which was 1-3-1971 he had cast his vote in his village Tandaspur at the Tandaspur Lower Primary School booth and was issuing identity slips to the voters for Indal Singh at this booth. According to him, when the polling was going on, at about 9 A.M. a jeep bearing No. BRF 6809 as also a bus bearing No. BRF 5558 arrived and stopped there whereafter their occupants came inside the polling booth and asked the Presiding Officer to hand over the ballot papers who parted with them and one of those persons stamped them and another put them into the ballot box. His further statement is that they did so for about 15—20 minutes and then proceeded to the adjoining polling booth which was also located in this Lower Primary School. As he has disclosed, of the occupants of the jeep he recognised only Sitaram Yadav who is the brother of the candidate Nagendra Prasad Yadav. He has admitted that excepting Sitaram Yadav he did not recognise any other occupant of the jeep. Regarding the occupants of the bus his statement is that he did not recognise any of them because they were all outsiders.

84. According to Ram Swarath Singh (P.W. 8), on that poll day he had cast his vote at Tandaspur Primary School booth at about 10 A.M. and when he was still inside the booth on his way back he noticed that a jeep arrived there and 3 or 4 persons came out of it and they all went to the place where the actual voting was going on and after taking the ballot papers from the Presiding Officer one of them stamped them and another put them into the ballot box and after doing so far about 40—45 minutes within which

they finished all the ballot papers of which they had taken possession, they went to the adjoining booth at this school. He has further said that out of those 3 or 4 persons on the jeep he had recognised Faturi Babu of village Dostput and respondent's brother Sitaram Rai. He (P.W. 8) has not said anything about the arrival of any armed men on a bus at that time or participation of any of those persons in the forcible seizure and casting of ballot papers at their hands which, as already noted, has been specifically alleged in the statement of petitioner's other witness on this point namely, P. W. 7.

85. There is nothing in the statement of P.W. 7 Dindayal Paswan regarding his disclosure to the petitioner (P.W. 47) as deposed to by the latter in paragraph 11 of his evidence (referred to above). So also, the other witness P.W. 8 is silent about his any such disclosure to the petitioner. His (P.W. 8) voluntary statement in his cross-examination that 10—15 days after this poll the petitioner Hansu Singh had come and told him that he was filing a case regarding this election and asked him whether he would depose for him on which he (P.W. 8) told him that whatever he had seen he would depose cannot be read as his disclosure to him (petitioner) on that line. Moreover, this voluntary statement he appears to have made after he had replied (vide paragraph 5) that till the date of his deposition (31-3-1972) he had never given any information about this forcible seizure etc. of the votes to any authority or to any other person which must be deemed to include this petitioner.

86. As already shown, on their (P. Ws. 7 and 8) own admission, out of the aforesaid occupants of the jeep and bus they had recognised only two, namely, respondent's brother Sitaram Yadav and Faturi Singh. It is then not understood as to how they could have given out the names of other persons like Ram Sewak Yadav, Indradeo Yadav, Sheonandan Paul, Hardeo Yadav and Sonelal Rai in this connection to P.W. 47 as deposed to by him (P.W. 47) in Court and alleged in paragraph 23 of the election petition.

87. Though P.W. 7 Dindayal Paswan in paragraph 16 of his evidence had denied the respondent's suggestion that he was working in this Parliamentary election for the Socialist Party candidate Thakur Yugal Kishore Singh, which is said to be the reason for his coming to depose in this case falsely for the petitioner, P.W. 8 Ramswaroop Singh in paragraph 4 of his evidence has clearly admitted that not only this petitioner Hansu Singh but also this Dindayal Paswan (P.W. 7) were working for Thakur Yugal Kishore Singh at this Tandaspur booth on the poll day in this election and that they (Hansu Singh and Dindayal Paswan) were issuing slips to the voters on his (Thakur Yugal Kishore Singh's) behalf that day. It is admitted by both (P. Ws. 7 and 8) that they or any body else never lodged any protest regarding these highhanded acts of the men of respondent with the polling authorities there. Such inaction on their part in that situation is really not understandable and tends to point out to the incorrectness of these allegations. As already shown, this petitioner was also there at the booth issuing slips on behalf of the Socialist Party candidate. He also did not choose to lodge any written protest. In the normal course, if there were really such incidents they were bound to have invoked protests from them which they could easily manifest by lodging complaint with the Presiding Officer against it. But admittedly nothing like this was done which was rather unusual.

88. It is not disputed that the petitioner in his list of witnesses filed on 8-11-1971 (items 106 and 107) had cited the two Presiding Officers of these Tandaspur booths as his witnesses in this case. Subsequently, however, he dropped them in his petition filed on 10-12-1971 for reasons best known to him. This unceremonious omission of their names from the category of his witnesses on a subsequent thought, according to respondent, was because he was apprehensive that if they were put in the witness box the truth was bound to come out from their mouth which would definitely be detrimental to his false case in this behalf. Respondent has further submitted that since the petitioner had included these Presiding Officers as his witnesses in the first instance and then dropped them from his list, he (respondent) has not thought it safe to have them as his witnesses in the case and as such no adverse inference can be drawn against him for their absence as his witnesses. I think, this submission is not without substance.

89. Ext. G/3 is Presiding Officer's diary of the above western Tandaspur Lower Primary School booth. It has been proved in Court by Rabindra Prasad (R.W. 41), who was the second polling officer at this western booth. As he (R.W. 41) has said, there was another booth in this school which was in the adjoining east of this western booth. He (R.W. 41) has proved his signature and that of his Presiding Officer Sheonandan Jha on this diary Ext. G/3 and has stated that the contents of this diary were filled in his presence by the Presiding Officer in his pen. According to him (R.W. 41) the eastern booth was open on all sides and was fully visible from his booth. His further statement is that the poll was all through peaceful at these booths. He has emphatically denied the allegation that when the poll was going on at the booth at about 9 A.M. some men like Sitaram Yadav and others came on a jeep along with a number of *lathials* on a bus and they had got into the polling booth, drove away the voters who were waiting there to cast their votes and after forcibly seizing the ballot papers from the Presiding Officer put them into the ballot box after stamping. According to him, there were never any such incident at the booth at any time during the poll. He has been subjected to a lengthy cross-examination by the other side. But nothing seems to have come out therein on the basis of which the truth of his above testimony regarding the polling being peaceful throughout without any disturbance of the manner alleged can be doubted. His statements in this regard appear to be duly corroborated by the entries in the above Presiding Officer's diary (Ext-G/3) where the relevant columns make no mention of any irregularity or disturbance during the poll. He is in Government service as Panchayat Sewak since 1965. Except the suggestion of the petitioner that he has come to depose falsely at the instance of the respondent in this case which he has emphatically refuted, there is no material on record to show that he carries any bias against this petitioner or is under the influence of the respondent as to come and support him falsely. On the available facts he appears to be a disinterested witness and his testimony which has not been shaken in cross-examination has to be accepted as worthy of credence.

90. The respondent (R.W. 47) has characterised these allegations of the petitioner in respect of Tandaspur Lower Primary School booths to be absolutely false (vide paragraph 29). His emphatic statement is that it is absolutely false to say that on 1-3-1971 when the polling was going on at these booths his election agent Sitaram Yadav accompanied with Ram Sewak Yadav, Indradeo Yadav, Sheonandan Paul, Hardeo Prasad, Sonelal and Faturi Singh came to them on jeep No. 6809 accompanied with about 100 *lathials* on bus No. 5588 and after going inside the booths they captured the booths and restrained and terrorised the genuine voters from casting their votes and then forcibly took the ballot papers from the Presiding Officers of those booths and put them into the ballot box after stamping them. His further statement is that to his knowledge there was never any such incident at any of those booths at any time. In his cross-examination there seems no material on the strength of which the veracity of these denials can be doubted.

91. The respondent has also examined the above Sheonandan Paul (P.W. 16), Hardeo Prasad Yadav (R.W. 17), Ram Sewak Yadav (R.W. 27), Sitaram Yadav (R.W. 33) and Indradeo Prasad Yadav (R.W. 46) who have all seriously refuted the truth of these allegations of the petitioner made against them.

92. Sheonandan Paul (R.W. 16) is in the Congress Party since 1927 and he is the Sarpanch of his Gram Panchayat since 1970. His statement is that on the poll day of this Parliamentary election after casting his vote at his polling station which was situated in the Harijan School of his village Chainpura, which is about 7-8 miles from village Tandaspur, he was all along at that Chainpura polling booth issuing identity slips to voters on behalf of the Congress Party candidate (respondent) till the end of the poll. He has denied the allegation that on that day he had ever visited the polling booth at village Tandaspur in the company of several others and driven away voters from the queue as to preclude them from exercising their franchise. He has also denied the allegation that in that way they had captured Tandaspur booths and after taking the ballot papers from the Presiding Officers got them put into the ballot box after stamping. He has also denied the petitioner's

suggestion that he has come to depose falsely at the instance of the respondent after suppressing the truth because of his being an old Congressman. There is nothing substantial in his cross-examination which can be used to discredit these denials.

93. According to Hardeo Prasad Yadav (R.W. 17) who comes from village Mehsia, which, according to him, is about 10-11 miles from Tandaspur, has averred that on that poll day he was all along at his village Mehsia Panchayat booth, where after casting his own vote at about 1 P.M., he was issuing identity slips to the voters of the Congress party candidate Nagendra Prasad Yadav. According to him it is absolutely incorrect to say that on that day during the poll period he accompanied with Sitaram Yadav, Ram Sewak Yadav, Indradeo Prasad Yadav, Sheonandan Paul, Sonelal Rai and Faturi Singh went to the polling booths at Tandaspur and after having driven away the voters therefrom they forcibly took the ballot papers from the Presiding Officers concerned and got them put into the ballot boxes after necessary stamping. Nothing appears to have come out in his cross-examination to disbelieve these statements. He has frankly admitted that though he is not a member of the Congress Party but had always been helping that party candidate in the elections and in the instant election he was helping the respondent as the candidate of the Congress Party, for whom he had also worked as a counting agent at one of the counting segments. But simply because of his such association with the Congress Party his testimony for the respondent cannot be discarded as being interested unless there is any material to hold so and, as already, observed, nothing has come out in his cross-examination to doubt his varacity.

94. Ram Sewak Yadav (R.W. 27) is admittedly the cousin of the respondent Nagendra Prasad Yadav. He had been elected as a member of the Bihar Legislative Assembly in 1952 and 1957 and was its member from 1952 to 1962. As he has disclosed, in 1952 he had won Assembly election as an independent candidate and in 1957 as a candidate of the Praja Socialist Party. He has also admitted that in 1971 Parliamentary election he had filed his nomination paper as an independent candidate but subsequently withdrew it and that in this election he was helping the respondent Nagendra Prasad Yadav and canvassed votes for him in his (R.W. 47) village as also in the neighbouring villages. He has averred that on the day of the poll in this Parliamentary election, i.e., 1-3-1971, he was all along in his village (Chak Mahila). According to him, it is absolutely false to say that on that poll day he along with Sitaram Yadav, Faturi Singh and others had gone to these booths at Tandaspur on a jeep accompanied with *lathials* on a bus at about 9-10 A.M. and after driving them from casting their votes they got hold of the ballot papers from the Presiding Officers and put them into ballot box after stamping. There seems nothing in his cross-examination on whose strength his above statements can be disbelieved. The mere fact that he is related to the respondent and was supporting him in this election and had also worked as his counting agent at one of the counting segments by themselves can be no sufficient ground to discredit his testimony as being unworthy of credence in the absence of other material to doubt their varacity. Being the cousin of the respondent his interest in his (respondent) election was only natural. But that does not mean that he had actually acted in the alleged manner which fact must be proved independently of his such relationship.

95. Sitaram Yadav (R.W. 33) who is a Law Graduate and had practiced as a lawyer in Sitamarhi courts from 1943 to 1956 and was also a member of the Bihar Legislative Assembly from 1952 to 1966 is the full brother of the respondent. But both of them are separate in mess and property. He (R.W. 33) was the election agent of the respondent in this Parliamentary election. As he (R.W. 33) has given out, as respondent's election agent his duties were to sign papers on his behalf and send them to different areas to look after the works of his election office. He has further said that on the election day after casting his vote at about 7-30 A.M. at his booth located in the Middle School of his village Chak Mahila he went and visited the neighbouring polling booths in village Madhuban, Farori and Kharka and thereafter returned to his election office. He has denied that on that day at about 9 or 9-30 A.M. he along with Faturi Singh, Sheonandan Paul, Indradeo Prasad

Yadav, Hardeo Prasad Yadav and Sonelal went to Tandaspur booths on a jeep accompanied with several *lathials* on a bus and there they all drove away voters who were waiting to cast their votes and then forcibly seized the ballot papers from the Presiding Officers and put them into ballot box after necessary stamping. According to him, on the poll day he had never been to any of those booths nor there was any such incident at them at any time. While admitting in his cross-examination that he had heard that in this Parliamentary election on the poll day two buses one of Negendra Babu's maternal nephew and the other of Nagendra Babu's wife had been seized by the police, he has said that he cannot give their number nor that they were carrying any *lathials* at the time of their seizure. He has refuted the suggestion of the petitioner that after casting his vote as above at his village booth he moved around along with the above *lathials* in the two buses. If, he were really moving in that way with the buses on his jeep its (jeep) seizure along with the buses was normally expected. But this was not so. Even in the evidence of the seizing party there is nothing to show that at that time this witness on his jeep was also noticed in their (buses) company. He has been cross-examined at full length by the other side. But nothing material seems to have been elicited in his answers on whose basis his commission of the incident of the alleged nature and manner can in any way be suspected.

96. As to the evidence of Indradeo Prasad Yadav (P.W. 46) he has said that is absolutely incorrect to say that on the poll day he accompanied with Sitaram Yadav, Ram Sewak Yadav, Faturi Singh, Sheonandan Paul, Hardeo Prasad Yadav, and Sone Lal Rai on a jeep accompanied with about 100 *lathials* on a bus had gone to Tandaspur Lower Primary School booths at 9-10 A.M. and after driving away the voters who were then standing in the queue to cast their votes forcibly seized the ballot papers from the Presiding Officers and after stamping put them into the ballot boxes. In cross-examination, except that he is son of an active Congressman who was an M.L.A. from the Congress Party from 1952 to 1962 and also that his elder brother's wife was a Congress M.L.A. from 1952 to 1962 and that though he is not a Congressman but follows the congress ideology, there is nothing else worth notice therein on which his above denial can be taken as unbelievable. He has denied to know any Sheonandan Paul, Hardeo Prasad Yadav or Sonelal Rai and has also asserted that during the period of this election he had been confined to his house in connection with his father's illness. He has also denied the suggestion of the petitioner that in this Parliamentary election he was working for Nagendra Prasad Yadav and has come to depose falsely for him in this case being his active worker.

97. So far as the above two persons, Sonelal Rai and Faturi Singh are concerned, they have not appeared as witnesses of the respondent to deny the above allegations made against them. The respondent (R.W. 47) has, however, assigned reasons for their absence from the witness box. In paragraph 24 of his evidence the respondent has categorically averred that as far as he knew there was no voter of the name of Sonelal Rai in the Sitamarhi Parliamentary constituency. The correctness of this statement does not appear to have been challenged in his cross-examination. As to Faturi Singh his (R.W. 47) statement in paragraph 26, 27 and 28 are relevant. His (R.W. 47) statement is that Faturi Singh had contested the Bihar State Assembly election in 1972 as a candidate of the Organisation Congress in opposition to the Ruling Congress candidate Ram Bahadur Singh (respondent was admittedly a candidate in this Parliamentary election of the Ruling Congress) whom he (R.W. 47) had helped in that Assembly election as a party man. As he (R.W. 47) has further said his summons in this case to Faturi Singh had been taken to him by the Congress President of the Prakhand Congress Committee, Dumra but he (President) could not meet him (Faturi Singh) and he (R.W. 47) had also tried to meet Faturi Singh but had failed. He (R.W. 47) has also stated that soon after that summons he had seen Faturi Singh in the company of Thakur Yugal Kishore Singh twice or thrice, and the last occasion when he saw them together was a week back. He (R.W. 47) has said that Faturi Singh might have worked as his counting agent duly appointed by his (R.W. 47) election agent but had done no other work for him in this Parliamentary election. This was, however, before the filing of this case. According to respondent's list of witnesses dated 24-11-1971 he had summoned this Faturi

Singh (serial 194) as his witness in this case. In these circumstances, the absence of these two persons, Sonel Rai and Faturi Singh, as witness on behalf of the respondent to deny the above allegations made against them cannot, I think, be of much use to the other side to establish the truth of his case about them. On the other hand, on these explanations of the respondent which there seems no good reason to distrust any adverse inference against respondent's denial of these allegations of the petitioner will not at all be justified.

98. Thus, after having carefully considered all the above facts and circumstances as they emerge from the evidence on record, I have no hesitation in holding that the petitioner has failed to establish the truth of his case regarding these allegations. Accordingly, there could be no question of commission of such a corrupt practice by the other side (respondent) in respect of these booths.

Re. Majhoura Lower Primary School Booth within Bathnaha Assembly constituency.

99. Petitioner's case regarding this booth is set out in paragraphs 11 and 12 read with schedules I and II of the election petition. The allegations in this regard have been specifically denied in paragraphs 5 and 6 of the respondents written statement.

100. The petitioner's allegations in this connection are that on the election day when the polling was going on at this booth respondent's polling agents Ram Surat Singh (R.W. 15) and Bhola Singh (R.W. 29) at this booth along with other *lathials* restrained the voters named in schedule II of the election petition and debarred them from exercising their franchise at the poll. Not only that they forcibly obtained ballot papers from the Presiding Officer and inserted them into the ballot box after having stamped them and then compelled the Presiding Officer to prepare his diary reporting peaceful polling at the booth. Petitioner's witnesses on this point are of P.W. 24 (Jugut Paswan), who was the polling agent (vide Ext. 4/g) of the Socialist Party candidate Thakur Yugal Kishore Singh at this booth, and P.Ws. 26 and 27 (Maheshwar Thakur and Nageshwar Thakur), who are said to have been prevented in the above way from casting their votes at the booth from the respondent's side. He has also examined P.W. 35 (Hemraj Thakur) who had worked as the First Polling Officer at this booth in his poll, and P.W. 36 (S. K. Mukherjee) who was then the subdivisional Magistrate at Sitamarhi. Besides them, there is the evidence of the petitioner (P.W. 47) himself. Against these, respondent's evidence consists of respondent's own testimony as P.W. 47 and those of his two polling agents Ram Surat Singh and Bhola Singh (R. Ws. 15 and 29—vide Exts. A/10 and A/12) and R.W. 18 (Durga Prasad Sah), a voter who had cast his vote at this booth on the poll day (1-3-1971). Both sides have also produced documents in support of their case.

101. In paragraph 9 of his evidence the petitioner (P.W. 47) has said that 4 or 5 days after the poll he had learnt from Jugut Paswan (P.W. 24) who was the polling agent of Thakur Yugal Kishore Singh at this Majhoura Primary School booth and Maheshwar Thakur (P.W. 26) of village Majhoura that respondent's polling agents Bhola Singh and Ram Surat Singh (R. Ws. 29 and 15) had come to this booth at about 10 A.M. on the poll day along with 50—60 other persons and driven away the voters who were at that time standing in the queue to cast their votes and thereafter they all went to the Presiding Officer's table and taking the ballot papers from his hand put them into the ballot box after stamping. His further statement is that at that very time those two persons (Jugut Paswan and Maheshwar Thakur) had also informed him (P.W. 47) that all those persons after having indulged in such acts had also compelled the Presiding Officer to fill up his diary certifying peaceful polling at this booth. According to Jugut Paswan (P.W. 24) on the poll day he had cast his vote at this Majnoura Primary School booth and was working as a polling agent of Thakur Yugal Kishore Singh. His further statement is that the polling was peaceful between 8—10 A.M. but at about 10 A.M. when the polling was going on, the respondent's polling agents Ram Surat Singh and Bhola Singh came out of the Polling booth and went to the village and returned to be booth after 15—20 minutes along with 50—60 other persons; they all threatened the voters who were then waiting in queue to cast their votes and drove them away whereafter they went to the table of the Presiding Officer and forcibly took away the blank ballot papers from him to which the Presiding Officer did not

object out of fear. He has further stated that they continued to cast ballots in that illegal way for about 1—1/4 hours and he (P.W. 24) continued watching it without any protest being frightened and thereafter he (P.W. 24) left the place and went home. In his (P.W. 24) examination-in-chief he has not said a word about his having ever informed the petitioner regarding such highhanded acts, from the side of the respondent. Rather, he has admitted in cross-examination (para 13) that he had not made any statement regarding such illegal voting to any person. Subsequent to this admission he (P.W. 24) appears to have volunteered that 10 or 14 days after the poll he had told Hansu Singh (Petitioner) about this when he came to his village. In the same breath he has said that Hansu Singh on that occasion had told him that he was going to file a case and he (P.W. 24) would have to depose therein. He (P.W. 24) has, however, admitted that he did not know Hansu Singh before that meeting and came to know him for the first time on that occasion. It is a little surprising that though tha was their first meeting in life Hansu Singh disclosed to him that he was going to file an election case in which he will have to give evidence. He (P.W. 24) has stated that he recognised by face all the above 50—60 persons whom the respondent's above polling agents had brought from the village and disturbed the poll in that way and also knew the names of 15—20 of them. He has also said that in the above queue of voters, who numbered 25—30, he knew the names of all of them as they all belonged to his village. His admission, however, is that till the day of his deposition in this Court (7-4-1972) he had not disclosed the names of the above 15—20 persons of 25—30 voters to any one. It is then not easily understandable as to how the petitioner could know the names of at least 8 of those voters as to incorporate them in schedule II to the election petition filed on 26-4-1971, particularly when there is also nothing in the evidence of the other witness (P.W. 26) to show that the names of such voters had been disclosed to the petitioner by him (P.W. 26) on any occasion before the filing of this election petition.

102. Coming to the evidence of Maheshwar Thakur (P.W. 26), his statement is that on the poll day (1-3-1971) he had gone to the Lower Primary School booth in his village Majhoura at about 9.30 A.M. to cast his vote but could not do so due to disturbance. Elaborating this avrment he has said that after reaching the booth that day he obtained voters' identity slip from Suresh Singh, who was issuing such slips on behalf of Thakur Yugal Kishore Singh, and with that slip he (P.W. 26) went and stood in the queue of voters who numbered 30—40 and his position was somewhere in the middle of that queue; while he was so standing in the queue respondent's polling agents Ram Surat Singh and Bhola Singh came out of the polling booth and went away and returned after 10—15 minutes accompanied with 50—60 persons who were all armed with lathis; all those persons came and pushed out the voters in the queue and compelled them to leave the booth and then some of those persons went to the Presiding Officer and forcibly took the ballot papers from him and put them into the ballot box after stamping. His (P.W. 26) further evidence is that after having pushed out from the queue in the above way he stayed there for about 20—25 minutes and then left the booth and came to village Riga, three miles from the booth, where he went to the public telephone office and after paying necessary charges talked to the Subdivisional Magistrate, Sitamarhi about this matter who asked him (P.W. 26) to complain about it to the Block Development Officer at Riga or meet the patrolling party; in pursuance to that advice he tried to talk to the Block Development Officer and the patrolling party but could not meet either and then he returned to his village (Majhoura) and went to the Lower Primary School booth again at about 3 P.M. where he found none as all the votes had already been cast and without casting his vote he returned home. While denying the respondent's suggestion that he (P.W. 26) was a worker of Thakur Yugal Kishore Singh and was working for him in this election, he has asserted that all his above actions with regard to talking the Subdivisional Magistrate, the Block Development Officer and the patrolling party were in his individual capacity having in no way been connected with Thakur Yugal Kishore Singh. Such an interest on the part of person who is nothing but a voter in the election is rather uncommon.

103. As he (P.W. 26) has also, said, Hansu Singh (petitioner) had visited his place 5 or 6 days after this poll and in that meeting, which was their first meeting after the poll, he had shown the postal receipt that he had obtained regard-

ing the payment of charge for the above telephone call. He has also stated that even after that meeting he had occasions to meet Hansu Singh. There is, however, nothing in his (P.W. 26) evidence to show that in any of those meetings he had ever informed Hansu Singh regarding the above alleged disturbance in the poll by respondent's men, though, as I have already pointed out with reference to the statement of Hansu Singh (petitioner), the latter has pointedly asserted about his having been informed about those alleged high-handed acts from respondent's side by this witness (P.W. 26) besides Jugut Paswan (P.W. 24). He (P.W. 26) has admitted that he knew at that time that a voter whose vote had already been cast is entitled under rules to cast his tendered vote, still he admittedly did not make any attempt to give his tendered vote when he visited the booth again that day at 3 P.M., even though he had learnt that his vote had already been cast by somebody else. Being quite a conscious voter which is shown by the fact that at the sight of the alleged interference with their exercise of electoral right from respondent's side he went and complained to the authorities on telephone after spending money it was only expected of him that he would have asked for acceptance of his tendered vote in the given situation. Such an omission on his part, according to the respondent, is indicative of the falsity of his above assertion regarding his having visited the booth again at 3 P.M. when he asserts to have found none there as all the votes had already been cast.

104. Though the above Subdivisional Magistrate of Sitamarhi (P.W. 36) has been examined in Court, but there is nothing in his evidence to corroborate the above averments of P.W. 36 (Maheshwar Thakur) that on that day he had at any time informed him (P.W. 36) on telephone about such poll disturbances on which he (P.W. 36) advised him to bring the fact to the notice of the Block Development Officer at Riga and meet the patrolling party. In fact, his (P.W. 36) evidence shows that on the poll day (1-3-1971) he was moving about in the company of the Deputy Superintendent of Police in the urban and mafasil areas of Sitamarhi and had returned the town that day at about 1 or 1.30 P.M. after those tours. In such a circumstance, it is not understood how he (P.W. 36) had talked to him on phone at Sitamarhi, as above, at about 11 A.M. on that day. In proof of his (P.W. 36) telephonic talk, on behalf of the petitioner a postal receipt (Ext. 23) was filed in Court as late as on 11-5-1972. P.W. 26 (Maheshwar Thakur) has admitted to have obtained this receipt from the postal department on 1-3-1971 when he had made this call. He has also admitted that he had shown it to be petitioner Hansu Singh when he had visited his place 5 or 6 days after the poll. Still the petitioner had not included this receipt in his list of documents filed in this case nor he had summoned him (P.W. 26) with it. He (P.W. 26) did not bring it to Court when he was examined on 7-4-1972, but simply said on that day that it was available at his house. Petitioner's evidence in this case was closed on 24-4-1972. Even till then this receipt did not see the light of the Court. It was for the first time brought before Court on 11-5-1972 after respondent's evidence had also concluded. No satisfactory explanation has been given by the petitioner for such late filing of this document. In such circumstances, the authenticity of this receipt cannot be treated as free from doubt and on its basis it is too much for the petitioner to ask the Court to accept unreservedly his (P.W. 26) statement regarding his such complain on telephone to the Subdivisional Magistrate.

105. The evidence of the other witness Nageshwar Thakur (P.W. 27) does not also inspire confidence. His statement is that on the poll day he was at this Majhaura Lower Primary School booth at about 9.45 A.M. to cast his vote; after reaching the booth he went and stood in the queue of voters to cast his vote; at that very time respondent's two polling agents Ram Surat Singh and Bhola Singh went out of the booth and returned again after about 15—20 minutes with 60—70 *lathials*; those *lathials* entered in the booth and raised hulla asking the voters to go away; at that hulla the voters in the queue came out of it but when the hulla became louder all those voters left that place and went home; thereafter he (P.W. 27) did not return to the booth again. He (P.W. 27) has admitted that when he was standing in the queue in that way Maheshwar Thakur (P.W. 26) of his village was also in that queue waiting to cast his vote. There is nothing in his (P.W. 27) evidence alleging any pushing by those *lathials* of the voters in the queue though, as shown above, the specific statement of P.W. 26 (Maheshwar

Thakur) is that when he along with other voters were standing in the queue to cast their votes those armed men came and pushed those voters and made them leave the queue. Similarly, though according to P.W. 26 after having made those voters flee from the queue in that way some of those armed men went inside the booth and after forcibly taking the ballot papers from the Presiding Officer put them into the ballot box, but there is not even whisper regarding any such incident at the booth on that occasion in his (P.W. 27) evidence. In fact, as his evidence as a whole stands, it has to be construed denying the taking place of any such forcible seizure of ballot papers etc.

106. He (P.W. 27) has admitted to be a man of Thakur Yugal Kishore Singh (paragraph 7). It is, therefore, somewhat surprising that though he (P.W. 27) had met Thakur Yugal Kishore Singh after this poll several times but he did not have any talk with him regarding this election or the above alleged disturbance at the booth in any of those meetings. It was only natural for a man in his position to try to inform his candidate about such incident if they had actually taken place, at the earliest opportunity.

107. The story of disturbed poll in the above manner as set up by the petitioner appears fully falsified by the evidence of his official witness Hemraj Thakur (P.W. 35). He is an assistant of Tubewell Division, Muzaffarpur and had worked as the First Polling Officer at this Majhaura Lower Primary School booth in this election. As he has said, besides him there were two other polling officers at this booth over and above the Presiding officer R. D. Agrawal. As he (P.W. 35) has averred, the polling at this booth was mostly peaceful; at one time during the poll there was hulla outside the polling booth but that hulla did not have any effect on the polling at this booth. From his evidence it appears that the building of this Lower Primary School containing the booth at that time consisted of thatched roof fixed on bamboos poles with no fencing; it was open on all sides and in the form of the school building there was open space of about 100 feet whereafter there were 4 or 5 huts. He has also stated that since they were busy in getting the poll done even after hearing the above hulla, which was out side the booth, they did not divert their notice to it. He (P.W. 35) has proved in Court the Presiding Officer's diary (Ext. 8) of this booth. He has recognised and identified on it the signatures of the Presiding Officer and the other two polling officers on this document. He has admitted that its contents were filled by the Presiding Officer himself in his presence whereafter all the three polling officers including himself (P.W. 35) signed on it. He has averred that the contents of this diary are correct and on looking into its contents he has also admitted that it (Ext. B) does not mention anything about the above hulla outside the booth. While admitting that during the poll the patrolling parties concerned were visiting the booth he has said that they had not made any report about the above hulla to the patrolling party during their above visits since there was no need for it because that hulla had no effect on the polling at the booth. It is to be noted that the petitioner has not charged him (P.W. 35) having gone under the influence of the other side as to depose like this. In such a circumstances, his (P.W. 35) above statements which do fully testify to the factum of peaceful poll at this booth throughout have got to be given due consideration to disbelieve the petitioner's case to the contrary. There is nothing in his (P.W. 35) evidence to show that any pressure was exercised from the respondent's side to have a false report of peaceful polling in this Presiding Officer's diary. On the other hand, his (P.W. 35) unequivocal admission, referred to above, is that its contents are correct. The entries in the appropriate columns of this document (Ext. B) clearly contradict the petitioner's allegation of the alleged disturbance in the poll at this booth.

108. On behalf of the respondent by attention has been drawn to the entry (Ext. C/1) dated 1-3-1971 at 3.26 P.M. in the message register of the election control room. This entry is per pen of the Magistrate, B. N. Sahay (P.W. 40) who was the over all incharge of this control room during this election. In this entry it was stated that the Subdivisional Magistrate and the Deputy Superintendent of Police at that time had reported to the election control room at Sitamarhi regarding the situation everywhere being all peaceful so far. This report appears to have been followed by a similar *khariat* report to the District Control Room.

109. The above two polling agents of the respondent (Ram Surat Singh and Bholu Singh) who are alleged to have gone and brought lathials and disturbed poll in the above manner have been examined as R.Ws. 15 and 29, respectively. They have emphatically denied the petitioner's allegation in this behalf and have asserted about the polling having passed off peacefully from beginning to end at that booth. Similar are the denials of R.W. 18 (Durga Prasad Sah) who is a resident of this village Majhaura and is said to be the Up-Mukhiya of its Gram Panchayat. As he has said, he was a voter in his village in this election and cast his vote at about 8 A.M. at the Majhaura Lower Primary School booth; after casting his vote he returned to his dera-cum-Khalhan which was about 100-125 yards from the booth and remained there till the evening that day. According to him, this booth was clearly visible from this dera-cum-Khalhan, the connecting land between the two being plain without any obstruction and, as he had noticed, the polling at this booth that day was all through peaceful and there was never any disturbance. The respondent (R.W. 47) has also emphatically denied the taking place of any such disturbance during the poll at this booth according to his knowledge and information. All these R.Ws. appear to have been subjected to lengthy cross examination by the other side. But there seems no material therein on whose basis their testimony, so made, can be discarded as unreliable. It is significant to find that none of the above polling agents of Thakur Yugal Kishore Singh or his workers outside the booth had chosen to lodge any written protest with the polling party against those poll disturbances which in normal course they were expected to do keeping in view the seriousness of the matter.

110. Thus, after having duly considered all the above facts and circumstances I have no doubt in my mind that the polling at this booth had passed off normally and the petitioner's allegation to the contrary, as above, is against truth and must be disbelieved.

Re : Jogbana Lower Primary School booth within Bathnaha Assembly constituency.

111. The petitioner's case regarding this booth is set out in paragraphs 13 and 14 read with schedules I and IV of the election petition and the respondent's specific denial thereof is contained in paragraphs 7 and 8 of the written statement.

112. The petitioner's allegation in this behalf is that he had learnt from Bindeshwari Gami (P.W. 34) that when the polling was going on at this Jogbana Lower Primary School booth, at about 1 P.M. Ram Bahadur Singh, M.L.A. (R.W. 31) and Dr. Devendra Nath (R.W. 44) arrived at the booth in jeep no. BRF 5732 when respondent's polling agents Fulo Rai and Jagdish Rai (R.W. 23) went and talked with Dr. Devendra Nath and then they (polling agents) left the booth and returned to it again accompanied with about 50 lathials; coming in that way they threatened and terrorised the voters who were then waiting in the queue to cast their votes and asked them to leave the booth without exercising their franchise; being frightened those voters left the queue and fled away whereafter they called upon the Presiding and Polling Officers to hand over the ballot papers to them; when they refused to part with the ballot papers, under the orders of Dr. Devendra Nath some of those lathials after assaulting the Presiding Officer and the two Polling Officers Syed Amir Hassan and Indal Singh snatched away a large number of those ballot papers which Fulo Rai and Jagdish Rai put inside the ballot box after stamping. This having been done, the workers and supporters led by Dr. Devendra Nath and Ram Bahadur Singh got the ballot box sealed in their presence and also compelled the Presiding Officer to write out a report of peaceful polling. In election petition schedule I which purports to give the list and details of the persons who had committed corrupt practice with the consent of the respondent at the polling stations the names of above Ram Bahadur Singh, M.L.A. and Dr. Devendra Nath are mentioned. In schedule IV to the election petition which seeks to set out the names of persons against whom corrupt practices have been committed by the respondent, his election agent and workers and supporters the names of above Syed Amir Hassan and Indal Singh find mentioned.

113. In the written statement the respondent has seriously refuted these allegations of the petitioner and has characterised them as false and baseless besides lacking in material particulars. According to him, this petitioner as also above Bindeshwari Gami were very much interested in this election

for Thakur Yugal Kishore Singh being his workers and it is he who has got this petition filed through this petitioner with the help of Bindeshwari Gami. His assertion is that there was never any such arrival of Ram Bahadur Singh, M.L.A. and Dr. Devendra Nath, nor his polling agents had ever got the polling disturbed with the help of lathials in that manner. He has also denied the alleged snatching of ballot papers from the Presiding Officer and their casting into ballot box. In the same way he has also denied the story of assault on the Presiding and Polling Officers by his alleged lathials.

114. From the side of the petitioner besides himself (P.W. 47), he has examined three voters (P.Ws. 1, 2 and 5) who are said to have gone to cast their votes at this booth but could not do it due to the alleged interference, Bindeshwari Gami (P.W. 34), Polling Officer Indal Singh (P.W. 45) and the Presiding Officer Baldeo Prasad Sahu (P.W. 48 declared hostile). Against these, the respondent's witnesses consist of himself (P.W. 47) and above Ram Bahadur Singh, M.L.A. and Dr. Devendra Nath (R.Ws. 31 and 44), the third polling officer Ram Sarikhan Singh (R.W. 40) his polling agent Jagdish Raut (R.W. 23) and two voters R.Ws. 26 and 32 (Ganga Raut and Ram Avtar Rai). Certain documents have also been filed from their sides. The above polling officer Syed Amir Hassan has also been examined as a Court witness (C.W. 1).

115. The petitioner's (P.W. 47) evidence regarding this booth is to the effect that 3-4 days after the poll he was told by Bindeshwari of village Matjar that when on the election day the poll was going on at about 1 P.M. Ram Bahadur Singh, M.L.A. and Dr. Devendra Nath came to the booth in a jeep and called the respondent's polling agents Fulo Rai and Jagdish Rai and talked to them, whereafter those polling agents went to village Jogbana and returned to the booth along with 50-60 persons when they all threatened and drove away the voters who were then standing in the queue to cast their votes and then they went to the Presiding Officer and asked him to give the ballot papers and on his refusal to do so Dr. Devendra Nath ordered for assault on him (Presiding Officer) at which he (Presiding Officer) handed over the ballot papers to them and then Fulo Rai stamped them with cow-calf symbol (respondent's symbol) and Jagdish Rai put them into the ballot box and thereafter they forcibly got a false report showing peaceful polling written and signed by the Presiding Officer. As this evidence of the petitioner stands, it is significant to find that there is not even a whisper about the alleged assault on the Presiding Officer or Polling Officers for their refusal to part with the ballot papers though the story of such assault has been specifically alleged in the election petition as told by the Bindeshwari Gami (paragraph 13).

116. According to Bindeshwari Gami (P.W. 34), after the poll in this election had been completed on 1-3-1971 he went to Jogbana Bazar on 1-3-1971 where he was told by Jadu Mahto of village Jogbana that the polling at Jogbana could not be done peacefully as there was marplt. In the next breath he (P.W. 34) changed this statement and said that Jadu Mahto on that occasion had told him that Dr. Devendra Nath and Ram Bahadur Singh M.L.A. had got hangama done at this Jogbana booth due to which the polling was not properly done and that he conveyed that information which he had received from Jadu Mahto to Hansu Singh (petitioner) when the latter met him at Sitamarhi 10-15 days after his receiving that information. There is nothing in his (P.W. 34) evidence to show that in course of that information by Jadu Mahto he had ever been told about the arrival of Ram Bahadur Singh and Dr. Devendra Nath in a jeep, their talking with the respondent's polling agents, and latter's fetching about 50 lathials from village, their driving away the voters from the queue, assaults on the Presiding and Polling Officers on their refusal to comply with their demand of ballots etc. as specifically stated in the election petition and petitioner's evidence in Court.

117. He (P.W. 34) has admitted that though he knew both Thakur Yugal Kishore Singh and this petitioner Hansu Singh for the last 10-15 years but he had no occasion to meet Hansu Singh before their aforesaid meeting which had taken place 10-15 days after this poll. As he has further admitted, that day when he was going to Khadi Bhandar at Sitamarhi on the way he saw Hansu Singh sitting in the office of the Socialist Party and he went to him (Hansu Singh) as called

by him. There is nothing in the evidence of either P.W. 34 (Bindeshwari) or P.W. 47 (Hansu) to show that in that meeting latter made enquiry from him (P.W. 34) when he disclosed as above. Being of different village (Matia) he (P.W. 34) such meeting between the two Hansu Singh was not expected was ordinarily not expected to know about the happenings of Jogbana booth and, accordingly, even if there was any such meeting between the two Hansu Singh was not expected to enquire from him about the polling at Jogbana booth. It is then not easily understood as to what made P.W. 34 to volunteer that information to Hansu Singh in that meeting which was admittedly their first meeting in life. In this connection it is relevant to refer here to the assertion of the respondent that both these persons P.W. 34 and P.W. 47 were working in this election for the success of Thakur Yugal Kishore Singh being his workers.

118. As already shown, his informant Bindeshwari Gami (P.W. 34) was not an eye witness of these alleged happenings at Jogbana booth and whatever he knew about it was based on what he had heard from Jadu Mahto of village Jogbana. This Jadu Mahto is, admittedly alive in his village (P.W. 34 paragraph 9). But no attempt appears to have been made from the petitioner's side to bring him (Jadu Mahto) in the witness box to corroborate him (P.W. 34) on this point. In view of this the evidence of Bindeshwari Gami (P.W. 34) on this point, therefore, can well be regarded as hearsay.

119. So far as the three voter witnesses, namely, P. Ws. 1, 2 and 5 are concerned, the first two are college students at Sitamarhi and the third is a cultivator by profession. The first and third come from village Bakhri which is about a mile from village Jogbana. As they have stated, their polling booth in this election was this Jogbana Lower Primary School booth and on the poll day they had been to the booth to cast their votes but could not do so as a result of disturbance created by the men of the respondent. As their statement further is, on that day at about noon they went to the booth and were in the queue waiting to cast their votes but could not do so because of that disturbance. Giving details of the incident P.W. 1 Deoranjan Kumar has said that while Ram Bahadur Singh, M.L.A. and Dr. Devendra Nath got down and talked to the Congress party polling agent Fulo Rai and after talking so both Ram Bahadur Singh and Dr. Devendra Nath went towards the village and returned to the booth with about 50 lathials and they all threatened the voters standing in the queue asking them to go away without casting their votes whereupon all those voters who were 50-60 in number including himself (P.W. 1) left the queue and went away; thereafter Ram Bahadur Singh and Dr. Devendra Nath asked the Presiding Officer to hand over the ballot papers to them which he (Presiding Officer) refused to do upon which they slapped him (Presiding Officer) and then he made over those ballot papers to them and Fulo Rai stamped them and Jagdish Rai who was a worker of the Congress Party folded and put them into the ballot box. The other witness P.W. 2 (Ram Kishore Prasad) has also given a description of this occurrence which is more or less on the same line. In his (P.W. 2) description he has, however, described the talks of Ram Bahadur Singh and Dr. Devendra Nath with two persons, namely, Fulo Rai and Jagdish Rai. According to him, it were the lathials who had threatened the Presiding Officer and Dr. Devendra Nath and Ram Bahadur Singh were simply standing there. He has further said that after threatening the Presiding Officer in that way, Fulo Rai began to stamp the ballot papers and Jagdish Rai put them into ballot box. In the next breath he has changed this statement and said that those lathials had given 2 or 3 slaps to the Presiding Officer. P.W. 5 (Sikandar Ram) has also tried to describe the incident in similar tone. In his statement the alleged talk of Dr. Devendra Nath and Ram Bahadur Singh is said to have taken place with only Fulo Rai. According to him those lathials (50-60) had been brought to the booth from the village by them (Ram Bahadur Singh and Devendra Nath). He has not said anything about the meeting of any threat to the Presiding Officer by any of those persons and his (Presiding Officer's) parting with the ballot papers. From this analysis it will appear that there is apparent difference in the manner of these incidents as given out by them (P. Ws. 1, 2 and 5).

120. Schedule II of the election petition seeks to give the details of the voters, who were restrained from voting by the respondent, his election agent, workers and supporters at various polling stations. Though in this schedule there are 21 names along with the polling stations but none of these

three names (P.Ws. 1, 2 and 5) finds place in it. It does not even make mention of this Jogbana Lower Primary School booth. The evidence of these three witnesses have been objected to by the other side on the ground that if they had been actually prevented in that manner from casting their vote then it was necessary on the part of the petitioner to have included their names in the election petition as enjoined by section 83 of the Representation of the People Act, 1951. It has also been urged that since their names do not find place in the election petition which it was incumbent upon the petitioner to do in view of the allegations made concerning them their evidence should not be looked into. Even if they are not left out of consideration then their testimony in this regard must be regarded as tainted having been secured for this case because if they were actually there and had been prevented from voting in those circumstances then such contradictory accounts of the alleged incidents would not have been given by them. Moreover, though he (P.W. 1) has denied the suggestion that the Principal of his college was helping Thakur Yugal Kishore Singh in this election due to which he has been drafted to depose falsely in this case, P.W. 18 (Sriman Singh), who is a Lecturer of this college, has however, admitted that the Principal of this college was helping Thakur Yugal Kishore Singh in this Parliamentary election adding simply a rider that he was not doing it actively.

121. I think, it has been rightly argued by the respondent that if names of these three voters would have found place in the election petition or its schedule with the allegation that they had been prevented from exercising their franchise in that way he could have well called for the relevant electoral rolls and other connected papers to prove that the petitioner's case to this effect is false because they had actually cast their votes in this election.

122. On the above facts it is not possible to regard these statements of P.Ws. 1, 2 and 5 above suspicion and the respondent's criticism of them that after having filed this election petition the petitioner has any how prevailed over them to come and depose for him in this case without their having been prevented in that way from casting their votes cannot be overruled as being without any merit.

123. Indal Singh (P.W. 45) is in Government service as a Panchayat Sewak since 1957 and is at present posted as such since January, 1966 in village Dumri which is the village of Thakur Yugal Kishore Singh. His (P.W. 45) home village is about a mile from village Dumri. In this election he (P.W. 45) had worked as a second polling officer at this Jogbana Lower Primary School booth along with Admir Hassan (C.W. 1) as the first polling officer and Baldeo Prasad Sah (P.W. 48) as the Presiding Officer. According to him (P.W. 45) the polling was peaceful at this booth till about 12.30 P.M. and at that time the two polling agents Fulo Rai and Jagdish Rai were sitting behind him (P.W. 45). He expressed his inability to say as to whose polling agents they were because the list was with the Presiding Officer. His further statement is that at about 12.30 P.M. that day when about 20-25 voters were standing in the queue to cast their votes these two polling agents went out of the polling booth and returned to it again with a mob of 50-60 persons which included Dr. Devendra Nath; coming so all those persons came near them and surrounded the Presiding and Polling Offices and asked him (Presiding Officer) to make over the ballot papers to them at which the first polling officer Amir Hassan stood up and informed them that he was going to inform the Sub-divisional Magistrate about this matter and saying so he (Amir Hassan) passed on his voters list to him (P.W. 45) and moved away for 2-4 septs; at that very time the above Dr. Devendra Nath ordered for the arrest of Amir Hassan at which Jagdish Rai caught hold of him (Amir Hassan); in that catching Jagdish Rai was joined by some from the mob and there was ghicha-ghichi between the two sides in course of which the shirt and pant of Amir Hassan were torn; seeing that he (P.W. 45) wanted to help Amir Hassan out of that situation at which Fulo Rai shouted that as he knew him to be the Gram Panchayat Sewak of village Dumri he was leaving him otherwise he would have also put him to the same treatment as Amir Hassan; at that very time the Presiding Officer began to weep uttering that he had three daughters to marry and there was no use in killing him as well as others of his party and that they should allow those people to do as they liked; at that very time they released Amir Hassan and snatched the ballot

papers from them (polling party) and Ful Rai stamped those ballots and Jagdish Rai put them into the ballot box; while doing so both these persons (Ful Rai and Jagdish Rai) as well as some other 2 to 4, whose names he did not know, asked them (polling party) to put the necessary tick marks in respect of those ballots as read out by them in the electoral rolls and being afraid they tick-marked the electoral rolls in respect of those votes and the Presiding Officer was keeping silent all through out of fear; they continued doing so for about 2 hours and polled all the remaining ballot papers, except 25, after having polled the ballot papers in that way those persons compelled them (Presiding and Polling Officers) to fill up and sign the Presiding Officer's diary which they did at about 2.30 P.M. that day; the ballot box at the booth was sealed at 4 P.M. that they and the patrolling party arrived at the booth at 6 P.M. and collected the ballot box and other polling materials and went away. He has proved the Presiding Officer's diary (Ext. G). As he has admitted, its contents are in his pen and it also bears his signature (Ext. 17/b). He has also admitted that this diary was made over to the patrolling party at 6 P.M. along with the polled box and other polling materials. As he has averred thought at the time of making over this diary to the patrolling party they had considered it necessary to correct its entries to state the correct state of affairs regarding capturing of the booth and forcible polling but they did not do so as they were afraid because of the presence of the men of respondent all round the booth at that time. He (P.W. 45) has admitted that till the date of his examination in court (19-4-1972) he had never sent any report regarding this incident to any authority. Though, as he has admitted, he and other of his polling party had been to Sitamarhi while going to have the poll done at another booth and while returning therefrom. He also admits about the absence of any complaint regarding those incidents to any authority at the hands of Presiding or other Polling Officers of his party. It is not easy to swallow that even after such highhanded acts from the respondent's side none of these persons had thought of lodging any complaint with any authority even though they had occasions to visit Sitamarhi the very next day of the alleged occurrence. His (P.W. 45) admission that though after this parliamentary election he had met Thakur Yugal Kishore Singh thrice or four times but he had never any talk with him regarding this election is indicative of his being a liar. Such an omission on his part is wholly incompatible with his intimate acquaintance with Thakur Yugal Kishore Singh as indicated above. The normal conduct of a man in his position, if there was such an incident at the booth, was to at least informed him (Thakur Yugal Kishore Singh) in their first meeting after the poll.

124. From his (P.W. 45) account of these incidents, as referred to above, it is manifest that they substantially differ from their accounts as given by the above three voters (P.W.s. 1, 2 and 5) who have also appeared to depose as its eye witnesses. They also differ from its account as given by above Bindeshwar Gaml (P.W. 34) from whom the petitioner (P.W. 47) is said to have learnt about it.

125. His (P.W. 45) above statements regarding the disturbance of poll in that manner stand wholly contradicted in the evidence of the concerned Presiding Officer Baldeo Prasad Sahu (P.W. 48). His (P.W. 48) statement is, during the poll period there was no incident in the polling premises by which he meant within a radius of 100 yards from the polling booth and though outside the polling premises there were several other persons but that that had no effect on the polling and voters came to the polling booth regularly and went away after casting their votes and that there was never any disgraceful treatment meted out to him (P.W. 48) or to any of the polling officers from any other quarter during the entire poll. After he (P.W. 48) had made these statements the petitioner declared him hostile and cross-examined him with Court's permission. Though his cross-examination was sufficiently long and searching, but nothing came out to discredit his (P.W. 48) emphatic denial regarding there being no occurrence of the above kind or even otherwise during the entire poll which, according to him, had passed off peacefully and smoothly throughout. He (P.W. 48) has asserted that the diary (Ext. G) was written out at about 5.30 P.M. and not at 2.30 P.M. In reply to a question by the respondent he (P.W. 48) has admitted that in course of the poll he was allowing only one polling agent of each of the candidates to sit by his side as required under rules though during that period the polling agents used to replace themselves by another appointed

polling agent from time to time. He has also given out that during the poll period, i.e., 7.30 A.M. to 4.30 P.M. the patrolling party had visited this booth five times including the last when they came to collect the ballot box and other materials. He has further given out that before signing his diary (Ext. G) he had looked into all its contents which he found to be all correct and then he signed it.

126. On behalf of the petitioner the above first polling officer Amir Hassan was cited as his witness *vide* item No. 99 of his petition dated 4-11-1971. For the reasons best known to him he, however, dropped his name subsequently in his list dated 10-12-1971. After Indal Singh (P.W. 45) alleged in his evidence regarding the respondent's men beating etc. of him (Amir Hassan) it was considered necessary to have him in the witness box to throw light on these points. The petitioner had already dropped him from his witness list and the respondent was not prepared to make him his witness on the ground that the petitioner had included his name as his witness in his first list. In such circumstances, for the ends of justice, I thought it necessary to have him in the witness box as a Court witness and he has been examined as such (C.W. 1). He is a Co-operative Supervisor at Sitamarhi and while admitting that he had worked in this election as the first polling officer at this Joghana Lower Primary School with Baldeo Prasad Sahu as his Presiding Officer and Indal Singh (P.W. 45) as the second polling officer he has stoutly refuted the taking place of any incident of the above nature or otherwise resulting in disturbance of the poll. As he has asserted, the entire entries in the Presiding Officer's diary (Ext. G) as made per pen of Indal Singh (P.W. 45) and bearing his (C.W. 1) signature as also those of Indal Singh and Baldeo Sahu are wholly correct and represent the correct state of affairs of the polling at this booth. According to him, the polling at this booth was throughout peaceful and there was no disturbance of the poll at any time. He has further said that it would be wholly incorrect to say that the Presiding Officer and other polling officers were made to fill up this diary at 2.30 P.M. and not after 4.30 P.M. when the poll was over. He has emphatically denied the above story as given out by P.W. 45 Indal Singh that the polling at this booth was peaceful till about 12.30 P.M. and thereafter it was disturbed in that the polling agents Ful Rai and Jagdish Rai brought 50-60 persons which included Dr. Devendra Nath and they all drove away the voters who were standing in the queue at that time to cast their votes and then they called upon the Presiding Officer to make over the ballot papers to him to which he (C.W. 1) protested saying that he was going to inform the Subdivisional Magistrate about it when under the orders of Dr. Devendra Nath Jagdish Rai caught hold of him joined by some others which involved them into *Ghicha-ghichi* in which his (C.W. 1) shirt and pant were torn seeing which Indal Singh wanted to help him but he was threatened by Ful Rai and then the Presiding Officer began to weep and advised them to allow those people to do as they liked whereupon he (C.W. 1) was released by them and Ful Rai stamped them and Jagdish Rai consigned them to the ballot box and as asked by them they put tick marks in the electoral rolls in respect of those votes and after having polled those ballots they compelled them (polling party) to fill up and sign the Presiding Officer's diary which they did at about 2.30 P.M. and the ballot box was sealed at about 4 P.M. While making this denial he has asserted that there was never any such incident at this booth at any time of the poll which was all through peaceful, disturbanceless and that during the whole polling his (C.W. 1) body was never touched by any outsider or any polling agent and there was never any occasion for his pant and shirt being torn. His cross-examination by the petitioner has been quite detailed. He has also been cross-examined by the respondent. There is, however, nothing therein on the basis of which the veracity of his these denials and averments can be doubted. He is a Government servant (Co-operative Supervisor) and there is nothing in his evidence to show that he suffered from any bias for or against any of the two sides. In such a circumstance, his testimony, as given, has to be accepted as truthful.

127. The Deputy Superintendent of Police (P.W. 37) has stated about his presence along with the Sub-divisional magistrate at his Joghana booth on the poll day at 11.30 A.M. C.W. 1 (Amir Hassan) has also said that at about 12 noon that day (1-3-1971) when the polling was going on at this booth the Deputy Superintendent of Police accompanied with

the Subdivisional Magistrate had come to it on a jeep with some force. This shows that these officials with some force were there at about noon that day. As he (P.W. 37) has stated, on that day both he and the Subdivisional Magistrate during their such touring of the areas always used to contact the Election Control Room at Sitamarhi (Dumra) and collect **kharlat** report from the Control Room during which the latter used to inform them everything and then he used to move ahead. In the control room register entry (Ext. C/1) per pen of the Control Room Magistrate in-charge (P.W. 40) dated 1-3-1971 at 3.26 P.M. it has stated that the Deputy Superintendent of Police and Subdivisional Officer report to C.R. that situation everywhere is all peaceful so far and he (P.W. 40) ordered the **kharlat** report on that line to be sent to the district headquarters. All these facts also tend to disprove the allegation of disturbance of poll of the above manner at this booth at about noon or thereafter that day.

128. On behalf of the respondent not only the respondent (R.W. 47) has denied the truth of the petitioner's allegations in this regard but they have also been emphatically denied by respondent's polling agent R.W. 23 voters R.Ws. 26 and 32, above Ram Bahadur Singh R.W. 31 and Dr. Devendra Nath R.W. 44. They (R.Ws. 31 and 44) have emphatically denied their having come to booth in that way and then got the poll disturbed by collecting men and subsequently indulging in the above alleged acts like the assault on the first polling officer, forcible seizure of ballot papers from the Presiding Officer, etc. The two voters (R.Ws. 26 and 32) assert to have gone to the booth and cast their votes at about that time without any interference from any quarter. They have also denied the taking place of such incident. So also, has been done by respondent's polling agent R.W. 23. Besides them the respondent has also brought the third polling officer (R.W. 40) of this booth who has also made an unequivocal denial of any such incident during the poll asserting that it was all through peaceful. The cross-examination of these witnesses has not brought to light anything substantial on whose basis their testimony in these regards can be taken as an attempt to suppress the truth.

129. On a consideration of these facts and circumstances, I have no hesitation to hold that the poll at this booth was peaceful and regular and the petitioner's case about it being disturbed in the alleged manner is not worthy of trust and has got to be rejected.

Re: Makunahia Lower Primary School booth in Sursand Assembly constituency.

130. The petitioner's case regarding this booth is stated in paragraph 17 of the election petition. His allegations are that after creating rowdyism at the Sutihara Central School booth within this Assembly constituency those very men of the respondent boarded on jeep No. BRF 6809 and bus No. BRF 4588 proceeded to disturb the poll at this Makunahia Lower Primary School booth. The Police Subinspector with the patrolling party who were following the bus succeeded in overtaking it near it (Makunahia booth). They seized the bus alongwith the lathials on it and took them into custody. When they were in custody of the police the respondent made every attempt to get them released and for this he approached the Subdivisional Officer and Deputy Superintendent of Police as also the District Magistrate but could not succeed in his attempt. They have, however, been very recently released on bail by the Subdivisional Magistrate, Sitamarhi. It is also asserted that full facts of these incidents were mentioned in the two concerned station diary entries of that day (1-3-1971) of Sursand police station.

131. While denying the above allegations of the petitioner in paragraph 11 of his written statement the respondent has averred that the above bus No. 4588 had been illegally seized and the persons on it were illegally and wrongfully arrested by the Inspector of Police of Sursand Circle, R. K. Kuwar, who is distantly related and closely associated to the defeated candidate Thakur Yugal Kishore Singh. He had got this seizure and arrest done under section 151, Criminal Procedure Code, to please and help Thakur Yugal Kishore Singh because at that time the administration of the State was in the hands of the Socialist Party to which he (Thakur Yugal Kishore Singh) belonged. It is false to say that the respondent had approached the above authorities to secure the release of those arrested

persons. Since there was no case at all against them the respondent has learnt that those proceedings were automatically dropped and the arrested persons were released.

132. As the petitioner (P. W. 47) has stated (paragraph 13), about 10 to 12 days after this poll he was informed by Jamuna Prasad Mishra about the arrival of Sitaran Babu, respondent's election agent, on a jeep at about 2.30 p.m. along with certain others on bus No. BRF 4588 and asking the Presiding Officer inside the booth to hand over them the ballot papers to which he (Jamuna Prasad Mishra) protested and the Presiding Officer refused to comply and the latter also sent a report to the Sursand Police station on which the patrolling party arrived at the booth but as they had left this booth before their arrival they (patrolling party) chased and seized the bus along with its armed occupants near Makunahia polling booth. This Jamuna Prasad Mishra has been examined as P.W. 21. In his evidence he (Jamuna Prasad Mishra) has spoken only about the alleged disturbance in that manner at Sutihara Central School polling station where he (P.W. 21) asserts to have cast his vote and to be working as the polling agent of Thakur Yugal Kishore Singh. He (P.W. 21) does not seem to have spoken anything about that bus and jeep having been chased and caught near Makunahia polling station nor he has spoken anything about his (P.W. 21) having ever informed the petitioner on that line.

133. P.W. 3 (Raheshwar Tiwari) who was working for Thakur Yugal Kishore Singh at this Makunahia booth at the time of this poll has simply said that on that day when he was sitting outside the polling booth issuing slips to voters on behalf of Thakur Yugal Kishore Singh at about 3 p.m. he noticed that a bus arrived there from the north side and stopped on the road near the polling booth and some 10 lathials got down from the bus and some were still sitting in the bus but at that very time a jeep arrived from north side along with some armed constables and the Subinspector of Police who commanded the lathials to stop; at that very time the truck also arrived from south carrying the patrolling party; the Subinspector interrogated the lathials as to how they had arrived on which they replied that they had come there to see the voting and on their inability to produce the permit of the bus the constable noted its number and then the Subinspector along with the constables sat on it and got it driven with those lathials towards north. There is nothing in his evidence to show that the occupants of the bus created any disturbance or obstructed in any way the voters from casting their votes at this booth. Similarly, the petitioner's other witness on this point, namely, P.W. 4 (Bhikhari Thakur) has not given out anything in his evidence to show any disturbance or obstruction at the hands of those alleged lathials. According to him (P.W. 4), on the poll day he came to the booth at about 1.30 p.m. and cast his vote; at that very time he heard a hulla and saw the arrival of a jeep on the road from north along with a truck (he has subsequently described it as bus); some 10 to 12 lathials got down from the bus and some were still in it and at that very time the Subinspector arrived there with his party in a jeep and detained the bus with those lathials when he (P.W. 4) left that place. In the election petition also there is no allegation of any undue influence like forcible voting after driving away the voters in the booth.

134. The report (Ext. 19) dated 3rd March, 1971 is also of no consequence to the petitioner to show any commission of corrupt practice by respondent or his men with his consent at this booth. It is a report by the Subinspector Chandra Kumar Jha who has reported for action under section 107, Criminal Procedure Code, against the persons named therein alleging that boarding a bus with arms they created **hangama** at Sutihara polling station and then proceeded at this Makunahia polling station where they were arrested and that conduct of theirs had created panic with the society and there was likelihood of breach of the peace and disturbance to public tranquility which necessitated their binding down under section 107. This Subinspector has not been examined in Court. The petitioner had first cited him as a witness in his list but subsequently dropped him without giving any good reason. Accordingly, his latter prayer to summon him to depose was rejected because he did not furnish any convincing reason in justification of this change of mind about him. Moreover, there is nothing in this report which can be construed as their having actually disturbed the poll at any of these two booths Sutihara and Makunahia. Ext. 19/a is a letter dated 1st March

1971 to the Subdivisional Officer, Sitamarhi by J. Ram (Block Development Officer, Sursand) who was Magistrate incharge of Striking Force at Sursand police station (not examined). In this the Magistrate had reported that on his getting information at about 2.45 p.m. that day that some **lathials** arriving on a bus had created **hangama** at Sutihara Central School booth and proceeded towards Radhour village for doing something on that booth, he along with the Officer-in-charge of Sursand police station rushed there with striking force towards Radhour and in that persuit reached Makunahia village booth where the occupants of the bus (21 in number including the driver) were about to get down but at that very moment he and his party reached the place and asked them about their identity and motive for the movement on which they told him that they were looking after the polling from booth to booth by the way upon which they seized the bus No BRF 4588 along with them and their arms and brought to the thana where they were all put in **hajat**. In the second paragraph of this letter it was stated that that action of theirs had brought quietness in the area and on the whole the election in the area remained peaceful. The fact of those bus occupants having failed to disturb the polling in any way at those booths is also corroborated by the report (Ext. F) dated 2nd March, 1971 sent by the District Magistrate, Muzaffarpur (P.W. 43) to the Election Commission at Delhi with reference to an immediate telegram dated 1st March, 1971 of the Commission. In this letter the District Magistrate clearly stated that no report had been received by him from the Subdivisional Magistrate or the Subdivisional Police Officer, Sitamarhi nor from the District Development Officer, who was in superior charge of the election in Sitamarhi Subdivision, regarding any incident or/and the situation described "capturing of booth" in Sitamarhi parliamentary constituency during the poll on 1st March, 1971. As it was further stated, both he (District Magistrate) and the Additional Superintendent of Police were at Sitamarhi for three hours from 3.30 p.m. to 6.30 p.m. by which time the Subdivisional Magistrate, the Subdivisional Police Officer and the District Development Officer had returned after making intensive touring of the areas from different directions covering as many polling stations as could be possible and none of them reported any incident of the kind alleged by Shri Thakur Yugal Kishore Singh, and in fact, till the night of 2-3-1971 no further report from Shri Singh had reached him. In paragraph 2 of this letter the District Magistrate had mentioned about the seizure of two buses along with several armed persons in Sitamarhi town and Sursand police station in the after-noon of 1st March, 1971 and as it had been reported, those persons had been engaged by Nagendra Prasad Yadav (respondent) for causing disturbance in the election. While reciting this fact he (District Magistrate), however, stated in this very paragraph that fortunately the seizure of the buses and arrest of the persons before they could do anything amply demonstrated the alertness and firmness of the local administration in dealing with the rowdy elements and completely demoralised the **goonda** elements who could not interfere with fair and free poll in Sitamarhi parliamentary constituency.

135. On behalf of the petitioner my attention has been drawn to certain statements of the District Magistrate (P.W. 43) as made in paragraph 7 of his evidence. While admitting Ext. 13 a certified copy of the letter which he had addressed to the Election Commission on 2nd March, 1971 regarding the seizure of the two buses Nos. BRF 4588 and BRF 5588 along with their occupants he (P.W. 43) has stated that on that very day, i.e., 1st March, 1971 at about 10.30 P.M. Nagendra Prasad Yadav had on telephone requested him (P.W. 43) to release the two buses and the persons arrested saying that they were his workers and had come to assist him in the election and that since the Government had failed to discharge the obligation of making adequate arrangement at several places during the poll to guarantee the safety of the people it was incumbent upon him (Nagendra Prasad Yadav) to make arrangement for the safety of the persons for himself and this was the reason why those persons on the buses were carrying **lathials** and other weapons. As he (P.W. 43) has further said, in course of this telephonic conversation Nagendra Prasad Yadav had also complained to him about the attack on him and his men with fire arms by the other side. The respondent (R.W. 47) has, however, denied to have described those men in the way to the District Magistrate in course of that telephonic conversation. Without trying to find out the nature of actual talks between them on that occasion in this regard, even if he had admitted so to the District Magistrate

on the telephone in his attempt to secure their release along with the buses that could not harm his election because, as already observed with reference to the relevant documents and witnesses, they (men in the buses) had not in any way interfered with the poll which was by and large free and fair at this polling station because before they could do any mischief, which they might or might not have in their mind, they were arrested by the authorities.

136. On behalf of the respondent (R.W. 47), besides his own denial there is also the emphatic denial of these allegations by his other witnesses R.Ws. 25 and 28 of whom the former was his polling agent at this Makunahia booth on the poll day and the other (P.W. 28) was a voter who had gone and cast his vote at this booth on that day at about 2.30 P.M. As he (R.W. 28) has stated that day he had reached the booth at about 2.30 P.M. and it took him an hour thereafter to actually cast his vote during which he was all along at the booth. He has denied the seizure of any bus on that day by the police within the radius of 100 yards of the booth. Similar is the denial of R.W. 25 regarding seizure of any bus within 100 yards of the booth.

137. On a consideration of the above facts it is thus evident that the petitioner has not been able to prove commission of any corrupt practice within the meaning of section 123 of the Act by the respondent or any of this men with his consent at this booth (Makunahia Lower Primary School booth) during this poll.

Re : Kumma Middle School booth within Sursand Assembly constituency.

138. The petitioner's case regarding this booth is to be found in paragraph 15 read with schedule I of the election petition. His allegation is that as he had learnt a group of **lathials** moving on bus No. BRF 4588 belonging to respondent's wife Smt. Vidyawati Devi without proper permit reached this booth at about 2 P.M. and got into in when the polling was going on. Only a few minutes thereafter the respondent's election agent Sitaram Yadav (R.W. 33) arrived there on the jeep No. BRF 6809. Thereafter Sitaram Yadav and the above **lathials** surrounded the polling party and they (**lathials**) forcibly removed Socialist party polling agent Mahadeo Singh (P.W. 19) from the booth and then they took away the ballot papers from the Presiding Officer and put them into the ballot box after stamping. Those **lathials** also got the ballot box sealed in their presence. In Schedule I the names of only two of these **lathials**, namely, driver Jainarain Rai and Ram Dheyani Rai (serial 8 and 9) have been mentioned. The above allegations of the petitioner have been denied in paragraph 9 of the written statement and they have been characterised to be false.

139. The petitioner's evidence to substantiate these allegations consists of his own (P.W. 47) testimony with those of P.W. 13 (Surajdeo Singh), P.W. 14 (Mahendra Pratap Singh) and above Mahadeo Singh (P.W. 19). Of these witnesses, the first (P.W. 13) was the worker of Thakur Yugal Kishore Singh in this election at this booth and the other two (P.Ws. 14 and 19) were his polling agents at the two booths (Nos. 43 and 44) situated side by side at this polling station. P.Ws. 14 and 19 are also related amongst themselves as nephew and uncle. As P.W. 47 (petitioner) has stated (paragraph 12), 10 or 12 days after the counting of votes Mahadeo Singh (P.W. 19), who was the polling agent of Thakur Yugal Kishore Singh at this polling booth informed him that on the poll day when voting was going on, bus No. BRF 4588 came to the booth at about 2 P.M. and at that very time jeep No. 6809 also arrived there with respondent's election agent Sitaram Babu; occupants of both the vehicles got down and went inside the booth where they caught hold of the polling agent Mahadeo Singh and took him out of the polling booth; thereafter they all began to make illegal voting by forcibly taking away the ballot papers from the Presiding Officer and putting them into ballot box after stamping. His further statement is that Mahadeo Singh, in course of that talk had also informed him (R.W. 47) that Thakur Yugal Kishore Singh's polling agent Mahendra Pratap Singh (P.W. 14) at the other booth of this polling station had also been made to leave that booth at that very time but he (Mahendra Pratap) subsequently came and tendered his vote at about 4 P.M. While stating about the arrival of **lathials** and respondent's election agent Sitaram Yadav in

the above way in bus and jeep at about 2 P.M. at this (P.W. 19) booth No. 44 he has averred that after surrounding the booth Sitaram Babu ordered that he (P.W. 19) should be caught and taken out of the booth on which two of those lathials caught hold of him (P.W. 19) and took him to the waiting bus where he was detained for about half an hour, whereafter the remaining lathials came and got into the bus and it drove towards east along with him (P.W. 19); after the bus had gone for about 10 laggis on the road it was stopped and he (P.W. 19) was made to get down from it at that point and he (P.W. 19) returned home where he was told by inmates of his family that his (P.W. 19) nephew Girishnandan Singh had already gone to Sitamarhi to send information regarding his (P.W. 19) that removal in the bus.

140. It is noteworthy that though according to the petitioner (P.W. 47) he had been informed of these alleged incidents at this polling station by above Mahadeo Singh (P.W. 19) 10 or 12 days after the counting of votes, there is nothing in his (P.W. 19) evidence to say that he had ever given him (P.W. 47) any such information. Moreover, according to him (P.W. 47) in that information Mahadeo Singh (P.W. 19) had told him that after arriving at the booth respondent's election agent and his lathials had resorted to illegal polling by forcible seizure of the ballot papers from the Presiding Officer and putting them into the ballot box after stamping. There is, however, nothing in his (P.W. 19) evidence to allege any such illegal polling at the booth on that occasion. His (P.W. 19) above nephew Krishnandan Singh has not come forward to say that he had on that day gone to Sitamarhi to inform regarding his (P.W. 19) above alleged removal in the bus. There is also nothing to show that any such information was sent by the Krishnandan Singh or any body else. He (P.W. 19) has admitted that he had never made any complaint either in writing or orally to the Presiding Officer or to any other authority regarding his having been taken and confined in the bus that way. So also, he admits that he had not informed Thakur Yugal Kishore Singh in writing about this incident even though he had met him 8 or 10 days after the poll. There is nothing to show that he had informed him even orally about it in that meeting. If there was any such incident with him during the poll it is not easy to believe that he would not have cared to convey it to Thakur Yugal Kishore Singh particularly when he was not only his polling agent but was also working for him in this election.

141. Mahendra Pratap Singh (P.W. 14), who was the polling agent of Socialist Party candidate Thakur Yugal Kishore Singh at the adjoining booth No. 43, which was separated from the booth No. 44 by only bamboo enclosures, has given out a similar story regarding the arrival of respondent's election agent and lathials on bus and jeep at about 2 P.M. that day, their entry and surrounding of the booth their taking out of Thakur Yugal Kishore Singh's polling agent Mahadeo Singh from the booth and then their forcible seizure of the ballot papers from the Presiding Officer and consigning them into the ballot box after stamping. In the end his statement also is that after having done all these things they went away on that bus and jeep leaving behind 5-7 of those lathials at the booth. There is nothing in his (P.W. 14) statement to allege that after being so taken out by those lathials Mahadeo Singh (P.W. 19) was made to sit in the bus and thereafter taken in that bus and released after some distance as he (P.W. 19) has himself pointedly alleged in his evidence. He (P.W. 14) has admitted that till the day of his evidence in Court (4th April, 1972) he had never lodged any complaint, oral or written, to the Presiding Officer or any other authority regarding these incidents. As he has admitted, he had met Thakur Yugal Kishore Singh 3 or 4 days after this poll as he often meets him and in that meeting he had reported to him about the above highhanded acts of Sitaram Yadav and his lathials at this polling booth but he does not know if Thakur Yugal Kishore Singh had lodged any complaint with any authority regarding them. Neither Thakur Yugal Kishore Singh come in court to state about it nor anything has been produced to show that he (Thakur Yugal Kishore Singh) after having been told as above by P.W. 14 had informed any authority about it on that day or even subsequently.

142. According to the petitioner (P.W. 47) he had been informed by Mahadeo Singh (P.W. 19) in course of their above meeting 10-12 days after the counting of votes that Mahendra Pratap Singh (P.W. 14) had been made to leave that booth at that time. There is nothing in his (P.W. 14) evidence to show that he had been made to leave the booth

at that time, rather he (P.W. 14) admits that he himself had left it at about 2.30 P.M. due to hangama.

143. The statement of Surajdeo Singh (P.W. 13), who was admittedly issuing identity slips to the voters on behalf of Thakur Yugal Kishore Singh at this booth during the poll, has stated in the similar tone regarding these incidents. According to him, at about 2 P.M. when the polling was going on some 25-30 persons arrived on a bus and after getting down from the bus they went to the polling booth when a jeep also arrived there carrying Sitaram Yadav; he saw two persons whom he did not recognise, catching hold of Mahadeo Singh (P.W. 19) and taking him out of the booth where Mahendra Singh (P.W. 14) was also standing; Sitaram Yadav then went to the Presiding Officer and taking the ballot papers from him put them into the ballot box after stamping them. It is thus seen that according to him it is only Sitaram Yadav who had single handed transacted this deal, namely, snatching the ballot papers from the Presiding Officer and putting them into the ballot box after stamping, though, as already observed, according to above other witnesses of the petitioner on this point, this was done by Sitaram Yadav and other lathials of his. He (P.W. 13) has admitted that before his evidence in this Court (3rd April, 1972) he had never any occasion to disclose or state any thing about these incidents before any authority nor he had ever informed any one either orally or in writing about it. Such silence on his part for such a long time cannot be easily reconciled if there was any such incident, in view of his being an admitted active worker of Thakur Yugal Kishore Singh in this poll. How could he be expected to have just seen these serious illegal acts having been perpetrated against his candidate and digest it to himself without disclosing it even to his candidate.

144. It is admitted by him (P.W. 13) that during this poll there were sufficient security arrangements at these booths. His admission further is that when the polling was going the patrolling party consisting of a Magistrate and armed constables were moving in jeep and going round the different polling stations including these ones. From the statement of R.W. 39 A. N. Anjum, who was the first Polling Officer at this booth on the poll day, it appears that at these booths in Kununa Middle School during the poll the security arrangement consisted of some Home Guards besides static force consisting of 5 or 6 rifle police. In the face of such tight security arrangement it cannot be easily believed that the respondents' election agent and lathials would have come and indulged in highhanded acts of this nature involving forcible arrest and confinement of a Socialist Party's polling agent in their bus and forcible seizure and casting of ballot papers in that way and escape scot free without any resistance by those armed security guard.

145. On the above analysis the aforesaid evidence as given by these petitioner's witnesses (P.Ws. 13, 14 and 19), who were admittedly working in this election for the success of the Socialist Party candidate to substantiate the petitioner's allegation regarding such disturbances of the poll does not inspire confidence, and I feel wholly hesitant to rely in their truth.

146. It is significant to find that the petitioner in his petition dated 8th November, 1971 included the concerned Presiding Officers of these two booths in his list of witnesses (items 104 and 105) but subsequently dropped them from his list dated 8th December, 1971 without any valid reasons. The respondent has, however, brought into the witness box A. N. Anjum (R.W. 39) who had worked as the first polling officer on the eastern of these adjoining booths. He is in service of the Government since 1965. He has given out that on the poll day he was all along on the booth during the poll hours from 7.30 A.M. to 4.30 P.M. and all through the poll was peaceful and there was never any disturbance of the nature alleged by the petitioner. As it appears from his evidence these two booths were separated by a distance of about 10 feet and were located within bamboo enclosures tied in rope and that the western booth was fully visible from his eastern booth. He has been cross-examined at sufficient length by the other side, but nothing appears to have come out on whose strength his above testimony can be suspected as unworthy of credit. As already observed, he is a Government servant and there is nothing to connect him with the other side. A strange suggestion, which he has denied, had been made to him for the petitioner that he has come to depose falsely for the respondent under the

influence of Ramnandan Rai and Rajnandan Rai who were working for him (respondent) in this election and to whom he (R.W. 39) is related. His (R.W. 39) alleged relationship with them (Ramnandan Rai and Rajnandan Rai) is on the face of it not at all believable.

147. Besides the evidence of the above Polling Officer (R.W. 39) there is also the testimony of respondent's other witnesses like R.Ws. 10, 12, 30, 33 besides his own (R.W. 47) testifying to the poll being peaceful throughout at these booths. Of these, R.W. 33 (Sitaram Yadav) was respondent's election agent and R.W. 30 (Jogendra Rai) was his polling agent (his polling agent form is Ext. A/16). R.Ws. 10 and 12 (Yusuf Khan and Md. Daud) were the two voters who assert to have cast their votes at these booths on that day at about 2.30 P.M. without any hindrance. They have also denied the disturbance of the poll in the manner alleged by the petitioner. There is nothing in their (R.Ws. 10 and 12) cross-examination to discredit their such sworn denials. According to R.W. 30, he had in the first instance worked as the polling agent of the respondent from 7 A.M. to 12 noon when he went out to take his meal leaving Basir Khan of his village as a substitute, but he returned to the booth again after half an hour and continued sitting outside the booth till the end of the poll. Such a stay on his part was not improbable. Basir's polling agency is shown by his polling agent form Ext. A/17. After his return to the booth after taking meal when he noticed Basir functioning as his candidate's polling agent there was no sense in his trying to replace him. Being interested in the poll on behalf of the respondent having been appointed his polling agent at this booth, his normal reaction might have been to stay there outside the booth and watch the poll on behalf of the respondent because under rule 32 of the Conduct of Election Rules, 1961 the Presiding Officer could not admit more than one polling agent of each candidate inside the polling station at a time. Respondent's election agent (R.W. 33) has stoutly refuted the allegation of his having gone to these booths and disturbed the poll in the manner alleged. In their (R.Ws. 30 and 33) cross-examination nothing seems to have been elicited on whose basis their testimony relating to these denials can be discarded as untrust-worthy.

148. On a careful consideration of the above facts and circumstances I have no hesitation to hold that the petitioner's case in this regard has not at all been substantiated and it has got to be disbelieved. It may also be mentioned that on the petitioner's case, as it stands on the allegation made in paragraph 15 of the election petition, the only provisions of section 100 of the Act which could be attracted are those in clause (d) (iii) or (iv) because there is no such allegation that the respondent's election agent alongwith his *lathials* had driven away any voter who was waiting in the queue to cast his vote. The simple allegation is that they had all got into the booth and after taking the ballot papers from the Presiding Officer stamped and put them into the ballot box. In the face of it for getting the respondents' election invalidated for this reason the petitioner has to establish that the result of the election had been materially affected. The petitioner, on the evidence on record, has, however failed to prove it.

Re : Suthara Central School booth within Sursand Assembly constituency.

149. The petitioner's case regarding this booth is contained in paragraphs 16 and 17 read with schedules I and IV of the election petition. As his allegation is, at about 2.30 P.M. on the poll day respondents' election agent Sitaram Yadav came to this booth on jeep no. BRF 6809 followed by a group of *lathials* in drunken state on bus No. BRF 4588; they threatened the voters and polling agents of Socialist Party candidate and asked them to leave the polling station, the voters left the place out of fear whereafter those *lathials* asked the Presiding Officer to allow them to cast votes of those voters but he (Presiding Officer) refused to do so whereupon under the orders of Sitaram Yadav they (*lathials*) assaulted him (Presiding Officer) as also the Socialist Party polling agent Jamuna Prasad Mishra (P.W. 21); after these assaults the Presiding Officer informed the Circle Inspector of Police, Sursand about these incidents, on being so informed the Sub-Inspector of Police, Sursand alongwith patrolling party came and followed the bus (no. BRF 4588) and overtook it near Makunahia polling booth and caught hold of it with occupants and took them into custody; thereafter the

respondent made every attempt to get them released by approaching the authorities like the District Magistrate, Subdivisional Magistrate etc. but could not succeed; full facts of these incidents are mentioned in the concerned station diary entries of 1st March, 1971. In schedule I the petitioner has named 14 persons as such *lathials* and in schedule IV he has mentioned the Presiding Officer of this Suthara polling booth as the person against whom such corrupt practice was committed by the respondent and his men.

150. Respondents' denials of the above allegations have been specifically set out in paragraphs 10 and 11 of his written statement. He has characterised these allegations to be absolutely false and after-thought. According to him, since there was never any such disturbance of the poll there could be no question of any assault on the Presiding Officer or any one else. Further, the Inspector of Police of Sursand police station R. R. Kuar is a distant relation of the Socialist party candidate Thakur Yugal Kishore Singh who has got this election case filed through his man (petitioner) after his defeat, and it is this Thakur Yugal Kishore Singh who by bringing the Circle Inspector in collusion had got some circumstantial documents created to use them in the election case of his contemplation consequent upon his defeat. This Inspector had illegally got that bus seized with the persons sitting on it to help Thakur Yugal Kishore Singh even though those persons on the bus were all innocent. As the respondent has learnt all those persons were subsequently released and the proceedings in that connection had to be automatically dropped. The allegations as made in those station diary entries were all false and fabricated.

151. Petitioner's witnesses besides himself (P.W. 47) are P.W.S. 9 (Rajendra Choudhary), 10 (Ishwar Narain Rai), 11 (Ram Chandra Mishra), 12 (Rajeshwar Sharma), 21 (Jamuna Prasad Mishra), 38 (Achyutaran Prasad) and 46 (Radha Raman Kuar). Of these witnesses, P.Ws. 9, 10, 11 and 12 were the workers of Thakur Yugal Kishore Singh and Indal Singh (another defeated candidate) in this election. P.W. 21 was Thakur Yugal Kishore Singh's polling agent (vide Ext. 4/a), P.W. 38 was the Presiding Officer at this booth and P.W. 46 is the above police Inspector Radha Raman Kuar.

152. The Petitioner's statement on this point is given in paragraph 13 of his evidence. According to it, he was informed by Jamuna Prasad Mishra (P.W. 21) about 10—12 days after the poll that at about 2.30 P.M. when the poll was on Sitaram Babu and his *lathials* after arriving at the booth on a jeep and bus went inside the booth and drove away the voters who were then waiting to cast their votes and called upon the Presiding Officer to part with ballot papers which he refused to do and reported the matter to the Sursand Police Station upon which the patrolling party arrived at the booth and chased that bus and jeep which had already gone towards Radhour and overtook the bus at Makunahia polling booth and arrested it along with several *lathials* sitting on it which was followed by the respondent's unsuccessful efforts to get them released through the authorities. This statement nowhere mentions about the alleged assault at the hands of Sitaram Babu's party on him (P.W. 21) and the Presiding Officer. If he (P.W. 21) had actually carried such information to him (P.W. 47) it is hardly believable that he (P.W. 21) would have failed to mention about those assaults which were no less important than the other details of the incident.

153. The above statement of the petitioner (P.W. 47) about his having been informed of this poll incident by Jamuna Prasad Mishra (P.W. 21) stands wholly falsified by his (P.W. 21) admission in his cross-examination (paragraph 19) that he had never disclosed these facts to either Hansu Singh (petitioner) or Thakur Yugal Kishore Singh because he did not think it necessary to do so. His admission further is that till the day of his evidence in Court (6th April, 1972) he had never met either Hansu Singh or Thakur Yugal Kishore Singh after this poll and so he could not disclose to them about this matter nor he ever felt any necessity to do.

154. It is significant to find that though he (P.W. 21) asserts to have complained about it to the patrolling party on their arrival at the booth that day when they (patrolling party) enquired from him about it, but none of that party has been brought to Court by the petitioner to corroborate

it. He (P.W. 21) has averred that he had tried to present a written complaint to the Presiding Officer regarding this incident including the assault on him but he (Presiding Officer) did not accept that complaint from him saying that he had himself informed the authorities about it, upon which he (P.W. 21) did not try to send any complaint to any other authority. There is, however, nothing in the statement of the Presiding Officer (P.W. 38) to corroborate him (P.W. 21) on this point. Achyutunand Prasad (P.W. 38), Sectional Officer, Tubewell Subdivision, Riga who had worked as the Presiding Officer during the poll at this polling station, has stated that at this booth the polling was peaceful. His statement further is that about 2 P.M. that day when the polling was going on several people came near the polling booth and began to make *hulla* and there was *bhagdar* and that those persons on coming there wanted to disturb the poll but he protested and did not allow the poll to be disturbed and it continued peacefully. He has also stated that when those persons arrived at the booth at 2 P.M. he sent a letter, addressed to the Civil Subdivisional Officer, to the Sursand police station about three miles from the booth through the village chaukidar who then posted at the booth and at the sight of that letter those persons left the booth and the poll was not disturbed and it continued as usual. His statement also is that between 3-4 P.M. patrolling party Magistrate came to his booth with his patrolling party on a jeep but before that those persons had fled away and the polling at the booth continued as usual peacefully and there was no disturbance in the poll. Ext. 5 is his (P.W. 38) Presiding Officer's diary regarding this poll. As he (P.W. 38) has said, he did not find it necessary to mention about the above incident relating to the arrival of persons near the polling booth etc. in this diary because the polling at his booth continued peacefully and there was no disturbance there. As he (P.W. 38) has given out, this Presiding Officer's diary (Ext. 5) had also been signed by the first and second polling officers of this booth. To explain the difference—cross marks in this diary he (P.W. 38) has said that by them he meant that there was no incident of the kinds mentioned therein. In this diary there is cross mark against the relevant columns relating to any disturbance, like terrorising the voters, riot etc. It is to be noted that against this witness (P.W. 38) the petitioner has not alleged anything nor has declared him hostile. Reading his (P.W. 38) evidence as a whole it is manifest that the poll at this booth from beginning to end was peaceful and there was never any incident of the kind alleged by the petitioner. The arrival of several people near the polling booth and their marking *hulla* and consequential *bhagdar* as stated by him (P.W. 38) cannot be taken as supportive of petitioner's allegations as made in this regard. As he (P.W. 38) has himself clarified those persons coming so wanted to disturb the poll but he protested and did not allow the poll to be disturbed which continued peacefully. There is nothing in it to show that those persons had actually entered inside the polling booth and created *hangama*. In fact, as he has said, they had simply come near the polling booth. It is noticed that his (P.W. 38) evidence does not contain anything to suggest that those persons had ever come inside the booth and tried to disturb the poll in that manner. It is also significant to find that nowhere in his (P.W. 38) evidence he has spoken about any assault on him or on the Socialist party's polling agent at any time of this poll from any quarters. In fact, no such question had been directed to him (P.W. 38) in his examination-in-chief and, as already pointed out, he has spoken about the poll having been completed peacefully that day without any interference.

155. The evidence of the Police Inspector Radha Raman Kuar (P.W. 46) also does not appear to prove the petitioner's allegation regarding such poll disturbances. According to him (P.W. 46) when he was on emergency poll duty at Sursand police station on 1st March, 1971 at 2.45 P.M. he received report through chaukidar Siddique Kawari from this Sutihara polling station and on that basis he made the station diary entry (Ext. 18) and also informed the Subdivisional Magistrate on telephone about it and then left for the booth on a police truck where he reached in about 15-20 minutes and on reaching there he found that the polling was going on peacefully and everything was peaceful except that the people were panicky whom he assured not to be panicky and proceed with the poll. His further statement is that at that place on enquiry he was told that some *lathials* had arrived on a bus and a jeep at the booth and wanted to create some disturbance and those persons had fled away towards Makunahia side on each. He has also

said that when he was at this booth the Presiding Officer told him that when he (Presiding Officer) had sent the chaukidar to inform the Sursand police station about that matter those persons fled away towards east and after waiting there for about half an hour he (P.W. 46) left the booth and returned to the police station via Kumma polling booth which was also apprehended to be troublesome booth and on reaching the thana which must have been after 5 P.M. that day by which time the polling in that area had passed off peacefully he noticed the bus no. BRF 4588 having already been brought in the thana after seizure by the Sub-Inspector C. K. Jha and Sursand Block Development Officer J. N. Ram who was the Magistrate incharge on that day at this Sursand Police station. He further found 20 persons in the *thana hajat* besides several seized lathis etc. and, as he had learnt, they had all been arrested under section 151 of the Code of Criminal Procedure and were being forwarded to the Subdivisional Magistrate. He (P.W. 46) has also proved the report of the above Sub-Inspector (Ext. 19) dated 3rd March 1971 which he had submitted against those persons under section 107, Criminal Procedure Code, in accordance with the practice in a case of such seizure and arrest. Ext. 19/a is a report dated 1st March, 1971 of the above Block Development Officer J. N. Ram as proved by him (P.W. 46). The respondent has urged that if the petitioner wanted to make full use of these documents (Exts. 19 and 19/a) he should have got their authors (the above Sub-Inspector and Block Development Officer) examined, but has not done so without assigning any good reason for this omission. Moreover, as they (Exts. 19 and 19/a) stand, they do not contain anything which may be taken as supporting the petitioner's allegation about their having gone inside the booth and driven away the voters and made assault on the Presiding Officer and the Socialist Party's polling agent etc. As the Block Development Officer in Ext. 19/a has stated, on receiving information at about 2.45 P.M. that day regarding the arrival of some *lathials* at this Sutihara Central School booth he along with the Officer-incharge of the Sursand police station rushed there with armed force and chased that bus on learning that it was proceeding towards Raghour and on reaching Makunahia booth they noticed that the bus was there and its occupants were about to get down when they reached and seized and brought it with its occupants to the police station and where they were put in *hajat*. It was also reported in it that all these actions had brought quietness in the area and on the whole the election in the area was peaceful.

156. That there was no disturbance during the poll in the manner alleged by the petitioner is also borne out by the District Magistrate's report (Ext. E) and the Election Control Room entry (Ext. C/1). In Ext. E dated 2nd March, 1971 sent to the Election Commission in reply to its telegraphic query on the allegation lodged with it by the Socialist party candidate Thakur Yugal Kishore Singh regarding capturing of booth, the District Magistrate (P.W. 43), after explaining the circumstances regarding the seizure of the bus loaded with men said to be of the respondent, reported that due to timely seizure of the buses and arrest of the persons thereon before they could do any mischief there was no interference in the fair and peaceful poll of this Parliamentary constituency. Ext. C/1 is dated 1st March, 1971 at 2.45 P.M. Its author B. N. Sahay (P.W. 40), who was the Magistrate incharge of the Election Control Room at Sutihara, had ordered sending *Khairat* report to the District Control Room at Muzaffarpur on the report of the S.D.O. and the D.S.P. that the situation everywhere was all peaceful so far.

157. So far as the evidence of other witnesses namely, W.Ws. 9, 10, 11 and 12 is concerned it is difficult to accept them free from suspicion in view of their being interested in either of the two defeated candidates Thakur Yugal Kishore Singh and Indal Singh, P.W. 10 has admitted that in this Parliamentary election he was helping Indal Singh and that at this booth identity slips to voters on his (Indal Singh) behalf were issued by Rajeshwar Sharma (P.W. 12), which fact has also been admitted by him (P.W. 12). According to P.W. 9 (paragraph 8) this Rajeshwar Sharma along with others were working for Thakur Yugal Kishore Singh at this booth on the election day. About P.W. 11 (Rambchandra Mishra) his co-villager Raj Kumar Sah (P.W. 22) has solemnly affirmed that he (P.W. 11) was working for Thakur Yugal Kishore Singh in this election in their village whose correctness has not been falsified by any tangible material on record. The admitted fact that above Rajeshwar Sharma was a common worker of both Thakur Yugal

Kishore Singh and Indal Singh in this election, according to the respondent, would show that these two candidates were not really opposed to each other as two adversaries and that is why the petitioner, who is a creature of Thakur Yugal Kishore Singh, has been able to get hold of these witnesses of Indal Singh's camp to support his false case in this regard.

158. According to P.W. 10 (Ishwar Narain Rai) respondent's election agent Sitaram Babu arriving at the booth on a jeep along with lathials on the bus rushed inside the polling booth and drove away the voters numbering about 50-60 who were then standing in the queue for casting their votes. It is, however, significant that none of those voters has come forward to say that he was at that time in the queue and he and other like him were driven out in that way by the men of the respondent. In fact, schedule II of the election petition, which purports to give the details of the voters who were restrained from voting by the respondent and his men at various polling stations in this election there is no mention of any name in respect of this Sutihara Central School booth. Among the booths as mentioned in this schedule this Sutihara Booth does not find mention at all. Though the above four petitioner's witnesses (P.W.s. 9, 10, 11 and 12) claim to be voters at this booth but they all admit to have cast their votes without any hindrance at the booth on that day, alleging such disturbance from the side of the respondent after they had finished their voting.

159. A perusal of their (P.W.s. 9, 10, 11 and 12) evidence also brings to light certain contradictions of noticeable nature in the manner of those incidents. Though P.W. 9 does not whisper anything about the driving of voters from inside the booth by Sitaram Yadav and his lathials, P.W. 10 (Ishwar Narain Rai) has asserted that after getting inside the booth they first drove out the voters numbering about 50-60 who were all then standing in the queue to cast their votes. According to P.W. 11 (Ramchandra Mishra), on that occasion he had seen Sitaram Babu along with 2-4 of his men dragging the Presiding Officer by catching hold of his neck whereas P.W. 12 (Rajeshwar Sharma) states to have seen some men of Sitaram Babu under his orders slapping and fisting the Presiding Officer. Such contradictions in respect of these important details of the occurrence also add to doubts with regard to the truth of their testimony in this behalf.

160. On behalf of the respondent, besides himself (R.W. 47) he has examined his above election agent Sitaram Yadav (R.W. 33) and two others R.W.s. 19 and 22 (Ram Lekhan Mahto and Raj Kumar Sah). R.W.s. 22 and 19 are the Mukhiya and Up-Mukhiya of the village and were also voters at this booth and had duly exercised their franchise. They have emphatically denied the taking place of any such disturbance at the booth during the entire poll. R.W. 33 has also seriously refuted the allegation about him regarding his having arrived at the booth along with lathials and disturbed the poll in the alleged manner. Though all of them have been duly cross-examined but nothing substantial appears to have come out on which their sworn testimony in this regard can be taken as unworthy of reliance.

161. On the above analysis of evidence and circumstances in this connection I am unable to place any credence on the truth of the petitioner's allegations as made on this point and have no hesitation to hold that they are not correct and have been set up falsely for the purpose of this election petition.

Re. Ranjipur Pustakalya Booth within Sitamarhi Assembly constituency.

162. The petitioner's case regarding this booth is stated in paragraphs 18 and 19 read with the concerned schedules of the election petition. According to him, as he had learnt, at about 9.00 A.M. the respondent's election agent Sitaram Yadav came to this booth by jeep no. BRF 6809 followed by the arrival of the other workers and supporters of the respondent. Entering into the booth Sitaram Yadav ordered for the removal of the Socialist Party two polling agents, Adya Kuwar and Ramanand Sah, whereupon those workers and supporters removed them (Adya Kuwar and Ramanand Sah) and kept them confined in a room for the whole day. The voters who were inside the booth were also threatened and after they left the booth Sitaram Yadav managed to

start bogus polling. One Damodar Jha of Sitamarhi sent telephonic message to the Magistrate incharge of the Election Control Room at Sitamarhi regarding this incident on which the patrolling party arrived at the booth and stopped that highhandedness of Sitaram Yadav. In schedule I the name of above Sitaram Yadav along with Nagendra Yadav and Bindeshwari Rai (respondent's polling agent) have been mentioned as persons who had indulged in such acts at this booth. In schedule II names of 10 voters (serials 12 to 21) have been given alleging their restraint in voting from respondent's side. In schedule IV the name of above polling agent Ramanand Sah (P.W. 15) has been mentioned as the person against whom this corrupt practice had been committed from respondent's side.

163. The respondent's specific denials of these allegations of the petitioner are contained in paragraphs 13 and 14 of the written statements. He has seriously refuted the correctness of these allegations asserting that the polling was all through peaceful at this booth as others. Sitaram's arrival followed by others and disturbance of the poll in the manner alleged has been emphatically denied. He has also averred that after making necessary enquiry he had learned that there was never any telephonic talk of the alleged nature because there was no occasion for it.

164. To prove his case in this regard the petitioner, besides himself (P.W. 47), has examined the above two admitted polling agents of the Socialist Party candidate, Ramanand Sah and Adya Kuwar (P.Ws. 15 and 20), Damodar Jha P.W. 19 and two others P.Ws. 16 and 17 (Ram Pukar Kuwar and Lakshmi Narayan Kuwar) both of whom are said to have been restrained in the above way from casting their votes from respondent's side.

165. It is not disputed that at this polling station there were two polling booths adjoining each other. As the petitioner (P.W. 47) has stated, about 15-20 days after this polling Damodar Jha (P.W. 29) met him at Sitamarhi and told him that on the poll day when the voting was going on at about 9.00 A.M. the men of respondent came and caught hold of the polling agents of Thakur Yugal Kishore Singh, namely, Adya Kuwar and Ramanand Sah and removed them from the booth and confined them in a room of the house of the Mukhiya and that after removing those agents the respondent's election agent Sitaram Babu along with his men went inside the booth and snatched away the ballot papers from the Presiding Officer and cast them into the ballot box after stamping. His (P.W. 47) further statement is that at that very time Damodar Jha told him that after the above arrest of the polling agents Adya Kuwar's brother Vidya Kuwar came and informed him (Damodar Jha) about this matter at Sitamarhi at about 10-11 A.M. on that very day whereafter he (Damodar Jha) informed the Election Control Room at Sitamarhi on telephone about it. In the same breath he (P.W. 47) has further stated that about such snatching and casting of votes by those men of the respondent he had also been informed by above Adya Kuwar and Ramanand Sah 4 or 5 days after his having been informed of it by Damodar Jha. It may be noted that the above Adya Kuwar's brother Vidya Kuwar has not come forwarded to support that he had actually informed Damodar Jha as above about this matter at Sitamarhi that day at about 10.00 A.M. or at any time.

166. Above Damodar Jha in his evidence as P.W. 29 has admitted to be a member of the Socialist Party since 1938 up to this time with a gap of 1966-69 when he has asserted to be in the Congress Party. He has also admitted that during this Parliamentary poll he was working for Thakur Yugal Kishore Singh in urban and rural areas and on the poll day he was looking after his election at different booths in Sitamarhi town as also in the neighbourhood under his (Thakur Yugal Kishore Singh's) instructions. As he (P.W. 29) has given out, after casting his vote at his polling station at about 11.00 A.M. he left it on a jeep and when he reached near Janki Asthan, Vidya Kuwar brother of Adya Kuwar of village Ranjipur waived his hand to his jeep and when he stopped it he (Vidya Kuwar) introduced himself to be the brother of Adya Kuwar and told him that in village Ranjipur the men of Nagendra Prasad Yadav (respondent) had arrested and taken away somewhere Thakur Yugal Kishore Singh's polling agents Adya Kuwar and Ramanand Sah alias Nandlal Sah and one more whose name also be (Vidya Kuwar) had told him at that time but he does not remember it now, and after being so informed he (P.W. 29)

proceeded in that jeep to Sarvodaya Press wherefrom on telephone he informed the Election Control Room at Sitamarhi about it. As he (P.W. 29) has further said while conveying the message on the telephone he had told them what he had heard from Vidya Kuar in this matter and after having informed them as such on the telephone he proceeded on that jeep to Lakshmi High School booth in the town. As I have already pointed out, the above Vidya Kuar has not come to Court to testify to his having conveyed any such information to him (P.W. 29).

167. Though he (P.W. 29) admits there was a telephone in the Janki Asthan where he had been informed as above by Vidya Kuar but it is not understood as to what made him not to get to that telephone and transit the message from it to the Election Control Room instead of going ahead for some distance to use the telephone of the Sarvodaya Press. As he (P.W. 29) has admitted, besides that telephone of Janki Asthan there were 2 or 3 other telephones in between Janki Asthan and Sarvodaya Press. There is nothing in his (P.W. 29) evidence on whose basis it can be inferred that except this Sarvodaya Press telephone he had not found any of these earlier phones convenient for this purpose.

168. The entry Ext 9/g in the Election Control Room register has been sought to be used as a corroborative evidence of the factum of aforesaid alleged telephonic message by this witness (P.W. 29) to the Election Control Room regarding this matter. This entry has been admitted to be in his pen by the Control Room Magistrate incharge B. N. Sahay (P.W. 40). He (P.W. 40) has denied the entry marked Y/8 for identification, to which Ext. 9/g relates to be in his pen. Reading the two (Ext. 9/g and mark Y/8) together there seems no link between them and the above alleged telephonic message of P.W. 29. These entries purport to have been made on the information of one Ramanand Singh, M.L.A. who alleged use of unfair means by Nagendra Prasad Yadav at the Oriental School booth and also about some tension at Ranjipur and on that information he (P.W. 40) had informed the Block Development Officer, Riga to keep watch over Ranjipur and Magistrate B. Jha was requested to assess the situation (vide Ext. 9/g).

169. From what has been said above it will appear that in the election petition though there is nothing to say that the petitioner had been informed about the alleged arrest and confinement of the Socialist Party polling agents Adya Kuar and Ramanand Sah by Damodar Jha (P.W. 29) but in Court he (P.W. 47) has specifically stated so. It is, however, curious to find that in his (P.W. 29) evidence he has not said anything to indicate that he had ever informed the petitioner (P.W. 47) about this matter at any time after this poll. Similar seems to be the case in this behalf in the case of his other two witnesses Adya Kuar and Ramanand Sah (P.Ws. 20 and 15) who have not given any indication of their having passed on any information to him (P.W. 47) regarding any part of these alleged disturbance though as already noted, in his (P.W. 47) evidence in Court he has said that Adya Kuar and Ramanand Sah had also informed him about forcible snatching and casting of votes by respondent's men 4 or 5 days after he (P.W. 20) had informed him about them.

170. Coming to the evidence of the two Socialist Party polling agents Ramanand Sah and Adya Kuar (P.Ws. 15 and 20), whose polling agent forms are Exts. 4/a and 4/d, they have said that while they were working as polling agents of the Socialist Party candidate at these booths at about 9.00 A.M. that day the respondent's election agent Sitaram Babu came in a jeep and then respondent's polling agents Nagendra Rai and Bilash went and talked to him and then they caught hold of them (Adya Kuar and Ramanand Sah) and took them to the house of the Mukhiya Ram Baran Rai where they remained confined in a room till about 7 p.m. As he (P.W. 20) has said, while he was being so taken to the house of the Mukhiya he met his (P.W. 20) brother Vidya Kuar on the way and asked him to go and inform about his such arrest. P.W. 15 (Ramanand Sah) has said about those persons having threatened the voters who were then standing in the queue and their having left the booth as a result thereof. P.W. 20 (Adya Kuar) has not, however, made any such allegation. Whereas in the evidence of P.W. 20 it has been said that after coming so

inside the booth they went to the Presiding Officer and asked them to allow to cast bogus votes at which he (P.W. 20) protested and there was also such protest by Ramanand Sah (P.W. 15). But he (P.W. 15) has not said so.

171. The above Mukhiya Rambaran Rai has appeared in this Court as R.W. 42 and has emphatically denied the above allegation of their (P.Ws. 15 and 20) such confinement in his house. As he has said he is Mukhiya of this Gram Panchayat for the last 8 years and the distance between his house and these booths was about 1 to 1-1/4 bighas intervened by several houses. Admittedly both of them (P.Ws. 15 and 20) are his (R.W. 42) co-villagers. In this background, it is difficult to believe that his (R.W. 42) house would have been selected for their (P.Ws. 15 and 20) confinement for almost the whole of that day, specially when there is nothing in his (R.W. 42) evidence to show that he was so vitally interested in the election of the respondent that he was prepared to go the whole hog with him as not to mind his house being used as the venue for such a crime unmindful of his own responsible position as Gram Panchayat Mukhiya of that area. There is nothing to show that after their (P.Ws. 15 and 20) release they ever tried to inform any authority about those highhanded acts against them. So also, there is nothing to show that while they were being kept so confined any body else on behalf of their candidate tried to bring this fact to the notice of the authorities for necessary action. As I have already shown the statement of Damodar Jha (P.W. 29) about his having informed the Election Control Room about this matter on telephone has not been proved beyond doubt.

172. The evidence of P.W. 15 (Ramanand Sah) about his activity after his release from the alleged confinement adds to one's stock of doubt about this matter. In the first breath he says that after that release he returned home straight without trying to lodge any complaint about it with the police or any other authority but he informed Gorakh Kumar of his village about it with a request that he should inform the police. In his subsequent statement, he has said that on that occasion he had simply told Gorakh Kumar as to how they had been confined in the room by the respondent's men without suggesting to him (Gorakh Kumar) that he should lodge information about it with the police or with any other authority. As he (P.W. 15) has stated he has been subsequently told by Gorakh Kumar that the latter had informed Damodar Jha at Sitamarhi about it. There is, however, not even a whisper in the evidence of Damodar Jha (P.W. 29) about his having received any such information from any person like Gorakh Kumar. Moreover this Gorakh Kumar has not been put into the witness box to throw any light on this point. P.W. 20 (Adya Kumar) has admitted that after his release from that confinement he did not approach any authority to complain about it nor did he ever tell about it to Thakur Yugal Kishore Singh thereafter though he had met him (Thakur Yugal Kishore Singh) once about 30-35 days after this poll. It is difficult to accept this averment of his as correct because for a man in his position his normal reaction would have been to disclose about those highhanded acts of the respondent as soon as he happened to meet him (Thakur Yugal Kishore Singh) that day which was admittedly their first meeting after this poll. As he (P.W. 20) has said, while he was being so taken to the house of the Mukhiya he met his brother Vidya Kuar on the way and he told him to inform about his such arrest by those persons. There is nothing in his (P.W. 20) evidence to show that he had requested Vidya Kuar to inform the above Damodar Jha about this matter. It is then not understood as to how he (Vidya Kuar) took into his head to go to Sitamarhi and tell Damodar Jha about it by covering a distance of about 5 miles from his village (according to P.W. 15 Sitamarhi is about 5 miles from village Ranjipur connected by a katcha road). In this connection it is to be noted that according to the admission of P.W. 20 village Riga is about 2-1/2 miles from village Ranjipur where there is a police station established this year and it has been suggested to him P.W. 20, which he was unable to deny, that this place (Riga) had a police outpost from before.

173. His (P.W. 15) disregard for truth can also be judged from the fact that though in his cross examination (paragraph 17) he has emphatically asserted that there was never any blackmarketing case nor he was ever imprisoned in any blackmarketing case nor he was ever inside the Sitamarhi Jail, but from the extract of the jail register (Ext. H)

it appears that he was confirmed in Sitamarhi jail in connection with a case under section 7 of the Essential Commodities Act in 1967 and in that case he was admitted to jail on 17th July, 1967 and released on bail under the orders of the Subdivisional Officer, Sitamarhi on 25th July, 1967.

174. The two witnesses, Ram Pukar Kaur and Lakshmi Narain Kuar (P.Ws. 16 and 17) claimed to be the voters at these booths. They have averred that on that day after going to the booth they took the voters' identity slip and went and stood in the queue to cast their votes but due to bhangama created by the men of the respondent who arrived there and disturbed the poll, they could not exercise the franchise and had to leave the booth. They also assert to have witnessed those persons having forcibly caught and removed the Socialist Party polling agents Adya Kuar and Nandlal Sah. On an examination of their evidence there, however, appears some difference in the manner of this occurrence as described by them. According to the first (P.W. 16) when he was standing in the queue like that along with the other voters there was a hulla and at that very time Sitaram Babu along with others arrived there on a jeep and talked something to Nagendra Yadav and Bilash Yadav at that booth; at that time some 40-50 of his lathials were there armed with *lathis* and *bhalas* and they caught hold of Adya Kuar and Nandlal Sah and took them to the *darwaja* of Rambaran Rai Mukhia where they confined both of them in room and they also drove away those voters who were in the queue and did not allow them to cast their votes and thereafter he left the booth and did not come there to cast his vote. According to the other (P.W. 17), when he was standing in the queue he noticed the arrival of a jeep from the south wherfrom some persons including Sitaram Babu came out when Nagendra Babu's polling agents Bindeshwarl Yadav and Ram Bilash Babu came there. In the next breath his statement on this point is that at that time the above jeep arrived there from the south and from the north some 20, 25 persons also came there at that time and all those persons began to raise *hulla* of *maro-pito*; Sitaram Babu and the above two polling agents of Nagendra Babu asked them to catch the two polling agents Adya Kuar and Ramanand Sah and remove them from the booth, whereafter they caught hold of these two polling agents of Thakur Yugal Kishore Singh and began to take them to the south; out of fear they went from the booth and waited two minutes by the side of the Pustkalaya wherfrom they saw that those persons cast votes in the ballot box after stamping them, whereafter he returned home without casting his vote. The logic of his (P.W. 16) statement that before depositing in this Court (4-4-1972) he had never disclosed these facts to anyone else even though he had met Thakur Yugal Kishore Singh at Sitamarhi 5-7 days after this poll is not easy to follow. If there was such an incident at the time of this poll and he had not only witnessed it but had also been deprived of his franchise due to it as he avers now it was only natural on his part to try to complain about it at least to the candidate when he met him next, if not to others. As P.W. 17 Lakshmi Narain Kuar has said, among the above *lathials*, who were all of his village, he recognised 5 or 7 of them like Methua Rai, Sonelal Rai, Ramrekha Rai, Bindeshwar Rai and Ramcharitar Rai. He has, however, said that till the day of his evidence in Court (4-4-1972) he had never disclosed their names to anyone. If there were *lathials* from his village doing so and he had identified 5 or 7 of them, it was only natural on his part to go and talk about it at least to the workers and supporters of the candidate in his village. In schedule I of the election petition, only three names have been given among the *lathials* regarding this Ranjipur booth and they are Sitaram Yadav (admitted election agent of the respondent), and above Nagendra Yadav and Bindeshwar Rai, who were respondent's polling agents at this booth at that time.

175. To both of them (P.Ws. 16 and 17) the specific suggestion of the respondent was that though there was never any such incident during the poll which had passed off quite peacefully but they had come to depose falsely to this effect at the instance of Thakur Yugal Kishore Singh for whom they were working in this election. They have denied this suggestion. This was however, been stated so on oath by the respondent's witness R.W. 20 (Maujelal Sah) who is their co-villager. His (R.W. 20) statement is that in this Parliamentary election both of them (P.Ws. 16 and 17) were canvassing votes for Thakur Yugal Kishore Singh in the villages. The suspicion about them also finds support from the fact that though in the schedule II of the election petition the petitioner, in respect of this booth, has names

10 voters including these two as those who had been restrained from casting their votes as a result of the above disturbances allegedly created from side of the respondent, but he has been to bring them (P.Ws. 16 and 17) only in the witness box.

176. Against the above witness of the petitioner, the respondent's evidence, besides his own (R.W. 47) testimony and above Mukhiya (R.W. 42) consists of the village Sarpanch R.W. 20 (Maujelal Sah) his polling agents R.Ws. 24 (Nagendra Yadav) and no. 45 (Bilash Rai) his election agent R.W. 33 (Sitaram Yadav) and the Presiding Officer at one of these booths R.W. 36 (Brahmdeo Jha). He has also produced the Presiding Officer's diary Ext. G/6.

177. They have all emphatically denied the taking place of any disturbance during the poll in the manner alleged. As they have given out, poll was all through peaceful. According to the Sarpanch Maujelal Sah (P.W. 20) that day he was all along at his house. As already observed, he has yards from the Ranjipur Pustkalaya booths which were visible from there. As he had seen from 6.00 A.M. till about 2.00 P.M. when he went out to cast his vote at Lower Primary School booth in his village, there was never any disturbance at any of these booths and the poll went on quite smoothly without any disturbance. The Mukhiya Rambaran Rai (P.W. 42) has disclosed that he had on that day cast his vote some time between 12 noon to 1 p.m. at this Ranjipur Pustkalaya booth which was about 1 to 1-1/2 bighas from his house and before going to the booth he was all along at his house. As already observed, he has emphatically denied the petitioner's allegation of confinement of the aforesaid Socialist Party polling agent Adya Kuar and Ramanand Sah in his house. The above two polling agents (R. Ws. 24 and 45), whose polling agent's forms are Exts. A/13 and A/15 have also emphatically denied the allegation of disturbance and have asserted about the poll being peaceful throughout. They as well as the election agent (R.W. 33) have also denied their having resorted to highhanded acts along with others in the way alleged by the petitioner as to drive away the waiting voters etc.

178. R.W. 36. (Brahmdeo Jha), an Upper Division Clerk in the office of the Assistant Collector, Customs Division, Muzaffarpur, was the Presiding Officer at Ranjipur Pustkalaya portable booth which was located just in front of its building in the field and as he has disclosed, there was another booth at this place adjoining it separated by rope (rassi). According to his statement the voting throughout the whole poll at both these booths were peaceful. He has further denied the taking place of any occurrence to the effect that at about 9.00 A.M. the election agent of the Congress Party candidate came to the booth along with his workers and supporters on a jeep and on reaching there the election agent ordered those workers and supporters to forcibly remove the two polling agents of the Socialsit Party candidate and on that order they forcibly removed them from the Ranjipur Pustkalaya booth and thereafter they forcibly took the ballot papers from the Presiding Officer and cast them to the ballot box at the booth. His evidence further shows that at both these adjoining booths armed guards were posted during the poll. There is nothing in his cross examination to discredit his sworn testimony on these points.

179. As it has been pointed out by the respondent, the petitioner has himself include the name of the above Presiding Officer (Brahmdeo Jha) as a witness (serial no. 108 of his witness list dated 8th November, 1971). He (Petitioner), however, subsequently dropped him from his list filed on 10th December, 1971 without any valid reason and it is in this context that he (respondent) has brought him to Court as a witness to enlighten the Court on the actual state of affairs.

180. The poll having passed off peacefully at this Ranjipur Pustkalaya booth is also proved by its Presiding Officer's diary (Ext. G/6). Its relevant entries clearly point out the absence of any poll disturbance during the voting. There is no material on the record on the basis of which any of these entries in this document, which has come to this Court from the proper custody, can be doubted.

181. Thus, after having duly considered all the above facts and circumstances, there can be no manner of doubt that the petitioner has miserably failed to establish his allegation about his alleged disturbances in the poll at these booths.

On the other hand, the evidence and circumstances on record do prove that the poll had passed off peacefully in a regular way.

Re: Mehsaul Lower Primary School and Urdu Madarsa Booths in Sitamarhi Assembly Constituency.

182. There is no dispute that both of these booths though situated in the same village were quite apart. Petitioner's case about these booths is to be found in paragraphs 23 and 24 of the election petition along with certain other booths. According to these allegations, as the petitioner has learnt, respondent's election agent Sitaram Yadav and workers Ram Sewak Yadav, Indraadeo Prasad Yadav, Sonelal Rai and Faturi Singh coming to these booths on jeep no. 6809 accompanied with about 100 *lathials* on bus no. 5588 restrained and terrorised the genuine voters who were then there, and thereafter forcibly obtained the ballot papers from the Presiding Officers and cast them into the ballot boxes and in that way polled about 95 present bogus votes. In schedule I of the election petition, which seeks to give names of the persons who had committed such corrupt practices for the respondent with his consent at these booths, of these persons, only Ram Sewak Yadav (serial no. 46) has been mentioned regarding Mehsaul booths. In this schedule persons named in serial nos. 30 to 41 are said to be the *lathials* of the respondent who had indulged in such corrupt practices on his behalf with his consent. They do not, however, include the names of any of the aforesaid persons like Indraadeo Prasad Yadav, Sheonandan Paul, Hardeo Prasad Yadav, Sonelal Rai and Faturi Singh. In such schedule II of the election petition the petitioner has set out the details of the voters who were restrained by the respondent, his election agent and workers and supporters at the different polling stations in this Parliamentary poll. None of these names, however, relate to these Mehsaul booths.

183. Respondent's specific denials of these allegations are set out in paragraphs 18, 19 and 20 of his written statement. He, while denying their truth with utmost emphasis, has characterised them as wholly false and fabricated for the purpose of this election petition. He has also asserted that there were never any such incidents in those booths and the poll at them was all through peaceful and smooth.

184. To substantiate his allegation in this regard the petitioner (P.W. 47) besides himself has examined two other witnesses, Md. Muslim (P.W. 30) and Nasiruddin (P.W. 31). As they (P.Ws. 30 and 31) have admitted, they had worked as polling agents of Thakur Yugal Kishore Singh at Mohaul Lower Primary School booth under their polling agent's from Exts. 4/h and 4/i. Though P.W. 30 has admitted that in this village Mehsaul he as well as Nasiruddin (P.W. 31) along with others, whom he has also named, were working for Thakur Yugal Kishore Singh in this Parliamentary election, but P.W. 31 has tried to suppress this fact saying that Thakur Yugal Kishore Singh had no worker in this election in his village (Mehsaul). As he (P.W. 31) has said, he had worked as polling agent at Mehsaul Lower Primary School booth for about 10 minutes and then left the booth and went home because the other polling agent Md. Muslim, (P.W. 30) arrived there. His further statement is that after staying at his house for about half an hour he went to Mehsaul Urdu Madarsa booth where he began to issue identity slips to voters on behalf of Thakur Yugal Kishore Singh along with Hashim and he stayed at this booth up to 12 or 12.30 P.M.

185. As P.W. 30 (Md. Muslim) has said, then he was at the Mehsaul Lower Primary School booth working as the polling agent of Thakur Yugal Kishore Singh at about 11.45 A.M. a jeep arrived there from which 5 to 7 persons got down and came inside the booth where they asked the Presiding Officer to hand over the ballot papers to them and he (Presiding Officer) complied with their demand out of fear, whereafter two of them began to stamp those papers and the other two put them into the ballot box, and after having done so far about half an hour they left the booth and went away on that jeep; thereafter he (P.W. 30) waited there for half an hour and then went to the other booth located in the Mehsaul Urdu Madarsa where he reached at about 12 noon. He has further said that out of those persons he recognised two, namely, Sitaram Babu booth up to 12 or 12.30 P.M.

186. Though according to his (P.W. 30) own admission, he had reached Urdu Madarsa booth at about 12 noon but

he does not say anything about the alleged incident at a (Urdu Madarsa booth). According to P.W. 31 (Nasiruddin) when he was at this Urdu Madarsa booth at about 12.30 P.M. a jeep arrived there with 5-7 persons who all got down from it and went inside the booth and asked the Polling Officers to hand over the ballot papers to them on which the Presiding Officer made over the ballot papers and then two of them stamped them and the other two cast them into the ballot box. This process, according to him (P.W. 31), continued at their hands till about 1.30 P.M. when Md. Muslim (P.W. 30) arrived at this Urdu Madarsa booth and told, him (P.W. 31) that on the other booth namely, Lower Primary School booth, he (P.W. 30) had no work to do because the booth had been captured and the ballot papers had been stamped and polled by the men of the other side forcibly. He P.W. 31 has also said that out of those 5-7 persons he had recognised Faturi Babu and Sitaram Babu. It is to be noted that he (P.W. 30) has not even whispered about his having passed on any such information to him (P.W. 31) while he was at Urdu Madarsa booth.

187. Though in the election petition, as already mentioned, the specific case of the petitioner is that Sitaram Yadav and others had come to these booths on a jeep accompanied with about 100 other *lathials* in a bus and they had, after restraining the terrorising the genuine voters, captured the booths and put the ballot papers by forcibly seizing them from the Presiding Officers into the ballot boxes, they (P.Ws. 30 and 31), who were said to be eyewitnesses of those incidents, do not say a word about the arrival of those *lathials* and disturbing the poll in that manner. Similarly, there is nothing in their evidence to show any restraining or terrorising of the genuine voters by those persons though in the election petition such a case has been specifically alleged. I have already pointed out to the omission of name of any such voters *vis-a-vis* these booths in schedule II of the election petition where the petitioner has purported to give details of the voters who had been restrained from exercising their franchise from respondent's side at the different booth in this Parliamentary election.

188. P.W. 30 (Md. Muslim) has said that when the Presiding Officer was making over the ballot papers to those persons as per their demand he raised oral protest to him (Presiding Officer) against it but in reply he (Presiding Officer) expressed helplessness in the matter and that he had not lodged any written complaint to him (Presiding Officer) about it. It is somewhat surprising that he (P.W. 30) had not thought of informing the police outpost in his village about this matter. Nor did he think of going and informing Thakur Yugal Kishore Singh about it though, as he has himself admitted, the distance of his (P.W. 30) house is only about a mile from that of Thakur Yugal Kishore Singh. His (P.W. 30) statement that he had never met Thakur Yugal Kishore Singh after this election till the present day (11-4-1972) is not at all believable in view of his being not only his polling agent but also his worker in this election.

189. Similarly, P.W. 31 (Nasiruddin) has admitted that neither he nor Nurul Hassan (who was polling agent of Thakur Yugal Kishore Singh at the Urdu Madarsa booth per polling agent from Ext. A/4) had never lodged any complaint regarding those highhanded acts of Sitaram Yadav and others either to the Presiding Officer of the Madarsa booth or to any other authority or the police outpost of his village, nor had ever brought those incidents to the notice of Thakur Yugal Kishore Singh or any one of his behalf. Such conspicuous silence on their part can be explained only by the absence of such incidents because if there were such incidents which they had witnessed it is difficult to believe that they would not think of bringing them to the notice of at least their candidate (Thakur Yugal Kishore Singh) at the earliest specially when the distance between his house and that of him (P.W. 31) was less than a mile. He (P.W. 31) has gone to the length of saying that he did not recognise Thakur Yugal Kishore Singh at the time of this poll as he was living outside, not he has ever met him till the day of his deposition (11-4-1972). If this was the state of his acquaintance with Thakur Yugal Kishore Singh, there is scope for doubting the truth of the story regarding his (P.W. 31) actual employment to serve as the polling agent and to issue slips to voters for that candidate (Thakur Yugal Kishore Singh) at these booths during this poll.

190. According to the petitioner (P.W. 47), he was informed about these incidents at Mehsaul booths about a month

after the counting of votes in this election when he had been to village Mehsaul to know as to what had taken place at each of these booths. As he has said, the information regarding the Mehsaul Lower Primary School booths was conveyed to him by Md. Muslim (P.W. 30) and that about Mehsaul Urdu Madarsa booth by Nasiruddin (P.W. 31). There is, however, nothing in their (P.Ws. 30 and 31) evidence to indicate that they had ever communicated any such information to his (P.W. 47).

191. To controvert the above evidence of the petitioner on these allegations the respondent (R.W. 47) besides himself has examined his election agent Sitaram Yadav (R.W. 33) the above Sheonandan Paul (R.W. 16), Hardeo Narain (R.W. 17), Ram Sewak Yadav (R.W. 27), Indradeo Rai (R.W. 46), his polling agent (R.W. 3) at the Lower Primary School booth and a voter at Urdu Madarsa booth (R.W. 2), the Presiding Officer of the Mehsaul Lower Primary School booth (R.W. 48) and the Second Polling Officer or the Urdu Madarsa booth (R.W. 49). He has also brought on record the Presiding Officer's diary (Ext. G/4) of the Lower Primary School both and also of the Urdu Madarsa booth (Ext. G/5). The above Sitaram Yadav and others have emphatically denied the allegations as made against them regarding their having arrived at these booths and disturbed the poll, in the manner alleged. The polling agent (R.W. 3) has also testified to the polling at his booth being all through peaceful without any disturbance. The above voter (R.W. 2) of the Urdu Madarsa booth has also certified to the peaceful poll at that booth throughout which as he has averred, he was quite in a position to see from his house which was at about 15-20 luggas from that booth without any obstruction in between them. In their lengthy cross-examination, nothing substantial appears to have come out to disbelieve their sworn testimony in this behalf.

192. As the Presiding Officer of the Lower Primary School booth (R.W. 43), who is an Agriculture Inspector in the District Agriculture Office at Muzaffarpur, has averred, he was all along present at this booth between the poll hours from 7.30 A.M. to 4.30 P.M. and the polling was throughout peaceful without any disturbance. He has proved his (Presiding Officer's) diary Ext. G/4 to be in his pen bearing his signature. He has also proved the signature of the First and Second Polling Officers of this booth on this diary. According to him, during the whole poll hours there was never any such occurrence that several persons arrived on a jeep at this booth at about 11.30 A.M. to 12.30 P.M. and after entering into the booth they drove away the voters who were then waiting to cast their votes and forcibly took the ballot papers from him and put them into the ballot box after stamping. He has said that he had been supplied 660 ballot papers out of which 599 had been polled. He has also denied the suggestion that at this booth all the votes attached to this polling booth had been polled. In Ext. G/4 the total ballots supplied has been noted as 660 and those polled has been noted as 599. There is nothing in his (R.W. 43) evidence to discredit any part of his statements so made regarding peaceful polling at this booth throughout unhampered by any disturbance.

193. Anirudh Prasad (H.W. 49), who is a Muharrir in the Survey and Settlement Office at Muzaffarpur and had worked as the Second Polling Officer in this Parliamentary election at Mehsaul Urdu Madarsa polling booth has solemnly affirmed that he was present at the booth all through the polling hours from 7.30 A.M. to 4.30 P.M. and the voting at his booth was all through peaceful and there was never any disturbance of any kind during the poll. He has also proved the Presiding Officer's diary of this booth (Ext. G/5). According to him, after the poll was over, its Presiding Officer Balmiki Sharma had prepared this diary and signed on it in his pen in his presence. He has also admitted this diary bearing his own signature in his pen. He has also proved the signature on it of the First Polling Officer Upendra Choudhury. In this cross examination he has denied the suggestion put to him that the Presiding Officer had not tiled up the entries in this diary but it was filed up behind his back and them made over to him (R.W. 49) for putting his signature which he did. He has also denied the suggestion that the entries in this diary are not per pen of its Presiding Officer. As he has averred, it would be absolutely incorrect to say that between 12.30 to 1.30 P.M. that day when the election was going on at this Urdu Madarsa booth persons like Sitaram Yadav etc. in a jeep accom-

panied with several *lathials* on bus arrived there and they all entered into the booth and drove away the voters who were waiting at the booth to cast votes and they forcibly took the ballot papers from them and consigned them into ballot box. In his cross examination nothing appears to have come out on whose strength his this evidence can be regarded as an unworthy of reliance.

194. So far as the absence of above Sonelal and Faturi Singh who, according to petitioner's case had also participated in this alleged poll disturbances along with others on behalf of the respondent, is concerned, the respondent has assigned satisfactory reasons for the same which I have discussed in detail in paragraph 97 of this judgment while dealing with the petitioner's allegation respecting the Tandaspur Lower Primary School booth within Bathnaha Assembly Constituency.

195. On the aforesaid facts it is thus manifest that the petitioner has not been able to substantiate his allegations regarding the commission of alleged corrupt practices as alleged by him during poll at these booths, and his case in this regard has got to be discarded.

Re: Bhairo Kothi Lower Primary School booth in Sitamarhi Assembly Constituency.

196. The petitioner's case with regard to this booth along with several other booths is set out in paragraphs 23 and 24 of the election petition. As he has alleged, the respondent's election agent Sitaram Yadav, workers Ram Sewak Yadav and others, whom he has also named in these paragraphs, came on a jeep along with about 100 *lathials* on a bus and captured the booth by terrorising and disturbing the genuine voters and put ballot papers into the ballot box after forcibly seizing them from the Presiding Officer.

197. To prove his above allegations the petitioner (P.W. 47) evidence consists of own testimony and that of P.W. 32 (Ram Prasad Mehto) who, according to his own admission, is a Regional Secretary of the Sitamarhi Socialist Party since 1970 and was doing election propaganda for the Socialist Party candidate Thakur Yugal Kishore Singh in this Parliamentary election. As I have already pointed out, the respondent's specific allegation is that it is this Thakur Yugal Kishore Singh who has got this election petition filed through the petitioner who is attached to his political party and was actively working for his success in this election.

198. As the petitioner (P.W. 47) has stated (paragraph 21), about a month after the counting of votes in this election he had gone to village Bhairo Kothi where he met Ram Prasad Mahto (P.W. 32) who informed him that when the polling was going on at this Bhairo Kothi booth at about 11 A.M. the respondent's election agent Sitaram Yadav, Indradeo Narain Yadav, Ram Sewak Yadav, Hardeo Rai, Sheonandan Paul, Faturi Singh arrived at the booth on jeep No. BRF 6809 and after getting down from the jeep got into the booth and drove out the voters standing in the queue to cast their votes and thereafter they forcibly took away the ballot papers from the Presiding Officer and cast them into the ballot box after stamping them.

199. As the petitioner's allegations in above paragraphs 23 and 24 read with the verification of the election petition and his above statement stand, it can well be assumed that he has mentioned the aforesaid names Sitaram Yadav, Ram Sewak Yadav etc. on behalf of the respondent on the basis of his above alleged information conveyed to him in this behalf by Ram Prasad Mahto (P.W. 32). Accordingly, it becomes essential to know from his (P.W. 32) evidence as to whether he had conveyed any such information to him (P.W. 47) at all. There is nothing in his (P.W. 32) chief to show that he had ever reported as such to the petitioner (P.W. 47) regarding these alleged disturbances. In paragraph 13 of his (P.W. 32) cross examination, while admitting that on the poll day or thereafter he had never made any report, written or oral to any person or authority regarding these alleged incidents on this booth, he has volunteered a statement that he had met this petitioner 5-7 days after the poll and had reported about it to him. There is nothing in his (P.W. 32) evidence to state about any other meeting between the two (P.Ws. 32 and 47) except this after the poll. So, even assuming for a moment for the sake of argument that there was such a meeting between the two 5-7 days after this poll it does not in any

way support the above statement of the petitioner (P.W. 47) according to which his meeting with P.W. 32 in which he had learnt about these instances from him was about a month after the counting of votes. It is admitted case of the parties that after the poll, which took place on 1-3-1972, counting of voters commenced on 10-3-1971 and ended on 11-3-1971 whereafter the result was immediately announced.

200. As he (P.W. 32) has stated, he cast his vote in his village booth at about 7-30 A.M. and then took his meal at about 9 A.M. and went to Bhairo Kothi Lower Primary School booth which was less than a mile from his house and on reaching the road on the east of this booth he noticed voters returning and then he went to the booth where he found two persons stamping the ballot papers and two others consigning them into the ballot box and one or two others were standing there. As he has further stated, he stayed at this booth for about half an hour and then returned home. He has not given the name of these persons nor there is anything in his evidence to show that he knows any of them. It is then not understood as to how he (P.W. 32) disclosed their names to the petitioner in their aforesaid meeting whether it took place about a month after the counting or 5-7 days after the poll to enable him (P.W. 47) to get them specifically mentioned in the election petition.

201. Though the petitioner in his aforesaid statement has said about his (P.W. 32) having informed him on that occasion regarding driving of votes, at the hands of those men of the respondent, who were then standing in the queue to cast their votes. There is, however, nothing in his (P.W. 32) evidence to allege any such driving of voters. As shown above, all that he (P.W. 32) asserts to have seen on that occasion was that two persons were stamping the ballots and two others were putting them into the ballot box while one or two voters were standing at that place.

202. Though he (P.W. 32) has admitted that he had met Thakur Yugal Kishore Singh 5-6 times after this poll but it is surprising that in none of them he had disclosed anything to him about these incidents. Being the admitted Regional Secretary of his Socialist Party and also being employed for his propaganda work in this election, it was only natural for him (P.W. 32) to have apprised him about these incidents if they had actually happened on the day of the poll as alleged. His such silence can well be taken as a circumstance against the truth of any such occurrence. Learned counsel for the respondent has drawn my attention to his (P.W. 32) admission (paragraph 21) that he is an accused in a house burglary case along with his brother. This fact, according to the respondent, will show his calibre.

203. In his (P.W. 47) evidence, he has not disclosed the name of any of the voters who had been restrained from exercising his franchise at the booth as a result of these haramgam by the men of the respondent. As already noticed, P.W. 32, who is the only witness on this point, does not say a word about any such restraint. In schedule II of the election petition, where the petitioner has sought to give details of the voters restrained from voting by the respondent and his men at various polling stations, there is no mention of this Bhairo Kothi Lower Primary School booth.

204. On a consideration of the above facts I have not at all felt convinced of the reliability of their (P.Ws. 32 and 47) above testimony in this regard.

205. As against the above, the respondent besides himself (R.W. 47) has examined his above election agent Sitaram Yadav (R.W. 33), Sheonandan Paul (R.W. 16), Hardeo Narain (R.W. 17), Ram Sewak Yadav (R.W. 27) and Indradeo Yadav (R.W. 46). Over and above, he has also examined R.W. 1 Sk. Shamshul, who is a resident of this village Bhairo Kothi and asserts to have exercised his franchise at this booth at about 9 A.M. As he (R.W. 1) has disclosed, this booth was at about 20-25 laggas from his house and both were quite distinctly visible from each other and that after casting his vote at the booth he returned to his house and remained there till the evening that day. All these persons have emphatically denied the taking place of any disturbance at this booth during the entire poll. The above election agent etc. have also seriously refuted the allegation of having arrived at the booth and disturbed the poll in the manner alleged by the petitioner. The absence of above Faturi Singh and Sonelal Rai from the witness box on

his behalf has been satisfactorily explained in respondent's (P.W. 47) evidence, which I have already discussed and accepted while dealing with petitioner's case with regard to Tandaspur Lower Primary School booth. All these witnesses appear to have stood the test of cross examination by the other side and nothing substantial has been gained to discredit their denials on this point.

206. Thus, after having carefully considered all the above facts and circumstances I find that there is no substance in the petitioner's allegations in this connection and this has got to be discarded as unworthy of credit.

Re: Sitamarhi Oriental Middle School booth in Sitamarhi Assembly Constituency.

207. The petitioner's case regarding this booth is set out in paragraph 20 read with schedules I and IV of the election petition. According to this allegation, on the poll day when poll was in progress at about 11 A.M. the respondent along with his workers and lathials came to this booth and threatened the voters and polling agents to leave the booth but when the polling agents did not leave the booth he (respondent) and his workers assaulted them and snatched away the voter's list from the Socialist Party worker Prof. Upendra Saran Sinha (P.W. 22); the voters being terrorised left the polling station whereafter under the orders of the respondent his workers resorted to bogus voting; when Damodar Jha (P.W. 29) and Thakur Girjanandan Singh (not examined) got information of such bogus polling after restraining the genuine voters they telephonically informed the Magistrate in charge of the Election Control Room at Sitamarhi who sent B. N. Singh, Circle Officer, Bajpatti (P.W. 44) along with police party to prevent the respondent and his workers from interfering with the right of franchise of the genuine voters, but when the respondent and his workers did not allow those voters to exercise their franchise the police party had to brandish lathi to bring the situation under control. In schedule I relating to the list of details of persons who are alleged to have committed corrupt practice with the consent of the respondent at different polling stations, in respect of this Oriental Middle School booth four names have been given and they are the respondent (R.W. 47), Bindeshwari Prasad Yadav (R.W. 13), Ramachandra Yadav (R.W. 9) and Bindeshwari Yadav. In schedule IV where the petitioner has sought to give the names of the persons against whom corrupt practices were committed by respondent and his men in respect of this Oriental Middle School booth, only the name of above Prof. Upendra Saran Sinha has been mentioned. It may be noted that in schedule II where the petitioner has given details of the voters who were restrained from voting by the respondent and his men at various polling stations during this poll there is no mention of any name in respect of this booth. In fact this schedule does not even mention this booth, though, as already shown the definite case of the petitioner in the election petition (paragraph 20) is that respondent and his men had on that occasion terrorised and made the genuine voters at this booth flee away without casting their votes.

208. The above allegations of the petition regarding this booth have been specifically refuted in paragraph 20 of the written statement where they have all been described as false and fabricated set up for the purpose of this case. He has also asserted that Damodar Jha and Thakur Girjanandan Singh being men of Thakur Yugal Kishore Singh, their names have been falsely introduced in the election petition for creating false evidence and that there was never any occasion for their having sent any such telephonic message because there was no such incident during the poll at all. Similarly, it is false to say that above Circle Officer B. N. Singh had been deputed to prevent the respondent and his workers from interfering with the free exercise of franchise by the voters because there was never any such prevention. He has also characterised these allegations to be vague on the ground that the names of those alleged workers lathials or voters have nowhere been disclosed in the election petition or its schedules.

209. According to petitioner (P.W. 47) about 4-5 days after the counting of votes in this election when he was sitting in his Socialist Party office at Sitamarhi at about 11 A.M. he noticed Prof. Upendra Narain Singh (P.W. 22) going to his college (Goenka College) and seeing him he (P.W. 47) left his seat and went to him on the road and asked him as to what had happened at this polling booth

(Sitamarhi Oriental Middle School booth) where he (P.W. 22) was issuing identity slips to voters on behalf of Thakur Yugal Kishore Singh; in reply to that query he was told by him (P.W. 22) that when the polling was going on at this booth on that day at about 10 A.M. Nagendra Babu (respondent) came to his booth from his house accompanied with 20-30 persons and he (respondent) snatched away the voters' list from him (P.W. 22) whereafter they all got into the booth forcibly drove away the voters from the queue and began to snatch forcibly the ballot papers from the Presiding Officer. His (P.W. 47) further statement is that at that very time he was told by him (P.W. 22) that when those facts became known to Thakur Girjanandan Singh (not examined) and Damodar Jha (P.W. 29) the former informed the Election Control Room at Sitamarhi (Dumra) and on that information a patrolling party consisting of a Magistrate and armed force arrived at the booth very soon thereafter and they (patrolling Party) snatched a lathi from one of those persons there and also held out a threat to those persons of the respondent who thereafter reached to respondent's house whereafter the voting began being done peacefully and then the patrolling party left the booths.

210. Upendra Narain Singh (P.W. 22) who is a Lecturer in the Goenka College at Sitamarhi has given out that on the poll day after casting his vote at this Oriental Middle School booth he was helping the Socialist party candidate Thakur Yugal Kishore Singh on this booth and was issuing identity slips to his voters, along with Benoy Kumar who was also doing the same work for that candidate, by sitting under a banian tree just outside this booth; the polling continued peacefully for 2-1/2 hours commencing from 7-30 A.M. at about 10 A.M. that day the respondent Nagendra Prasad Yadav along with 50 others, most of whom had lathi in their hands, came to the place where they were sitting and issuing slips to voters and asked him what he was going on which he told him that he was doing nothing except issuing slips to the voters on behalf of Thakur Yugal Kishore Singh on which he (respondent) picked up the voters' list from his (P.W. 22) custody and asked him to go away from that place and on his (P.W. 22) objection the respondent threatened him with assault; thereafter the respondent and his men went inside the polling booth and he (P.W. 22) followed them; entering the booth in that way they raise *hulla* like *Bhago Bhago nahi to pitegen* and some of them also began to brandish their lathis, seeing this the voters who were there waiting to cast their votes began running away whereafter under the orders of the respondents those men by taking the ballot papers from the hands of the Government officials stamped and put them into the ballot box for about two hours; while they were doing bogus voting in that way the respondent stayed there for about 40-45 minutes and then came out of the booth and got into a jeep and went towards south, at about 12 noon that day a patrolling party headed by a Magistrate arrived at the booth in a jeep and the Magistrate going inside the booth began to shout loudly *Bhago-Bhago*; under the orders of the Magistrate there was lathi charge on them and then they (*lathials*) fled away.

211. The above Benoy Kumar (P.W. 25), who is admittedly a student of the above Koenka College has also made similar statements regarding such disturbances at hand of respondent and his men. He (P.W. 25) has not, however, said anything about the arrival of the Magistrate with police party and their controlling the situation and this may be explained by his (P.W. 25) statement that when the respondent's men were doing bogus voting in that way after they had driven away the voters the respondent came out of the booth and left that place on a jeep and at that very time he (P.W. 25) also came out and went home and never returned to the booth again.

212. The respondent (R.W. 47) has stoutly refuted in his evidence (paragraphs 8 to 10) the truth of these allegations against him and his men. In this connection it has been urged on his behalf that these statements of theirs (P.Ws. 22 and 25) are false and have been made at the instance of Thakur Yugal Kishore Singh in this case who is at its back. In this connection it has been pointed out that they (P.Ws. 22 and 25) are, respectively, employee and student of the above Goenka College whose Principal Darbari Prasad Singh according to the admission of another teacher to this college (P.W. 18) was helping Thakur Yugal Kishore Singh in this Parliamentary election.

213. It is significant to find that though as noted above, the categorical averment of the petitioner (P.W. 47) in this Court is that he had been informed about these incidents 4-5 days after the counting of votes by above Prof. Upendra Narain Singh (P.W. 22) while they had met at Sitamarhi, but there is not even a whisper in his (P.W. 22) evidence to this effect. In this verification of the election petition the petitioner's knowledge about these facts is claimed to be based on information received from various sources like the documents, voters, polling agents, workers and supporters of the candidates other than the respondent. In him (P.W. 47) evidence the only source disclosed by him is above information derived from Upendra Narain Singh (P.W. 22), who, as shown above, has not said a word supporting him (P.W. 47) on this point. In view of this it is not understandable as to on what basis he (P.W. 47) had set up this story in such detailed in the election petition.

214. He (P.W. 22) has expressed his inability to give the name of polling agent of Thakur Yugal Kishore Singh or the respondent at this booth. So also, he is unable to say who was issuing identity slips to the voters on behalf of the respondent. While admitting that he had not filed any written complaint to any authority regarding the above snatching of the voters' list from his hand by the respondent, he (P.W. 22) has volunteered that when the patrolling party arrived there he had complained about it to the Magistrate incharge of that party. This however, does not appear to be clearly corroborated in the evidence of the Magistrate (P.W. 44). He (P.W. 44) has said that on that poll day he was on deputation as a reserve magistrate at the sub-divisional headquarters at Sitamarhi and at about 11.30 A.M. under the orders of the Second Officer he proceeded to this Middle School booth accompanied with armed force and when he reached there one man came and reported to him that his voters' list had been snatched away from him by the respondent and his men. He (P.W. 44) has, however, admitted that he did not recognise that complaining person nor he had mentioned anything about that complaint anywhere either orally or in writing. He has also admitted that in the written report that he had submitted to the Second Officer on returning from this booth he did not make any mention about that complaint regarding snatching of voters' list. In the absence of anything regarding that complaint in any official document it may not be fully safe to rely upon such statement of his (P.W. 44) made from memory after a lapse of 14 months after that date (1-3-1971). It was not after all such a spectacular matter that he still remembers about it. Its correctness has been emphatically challenged in his (P.W. 44) cross examination by the other side saying that no such complaint had ever been made to him (P.W. 44) but he has stated so now at the instance of the other side. On a consideration of all these facts, I am, therefore, not prepared to accept the truth of this allegation without reservation.

215. According to respondent, even assuming for a moment for the sake of argument, without in any way admitting it, that he (respondent) had snatched the voters' list from him (P.W. 22) in that way while he was issuing identity slips to the voters sitting under the banian tree outside the booth, it did not constitute a corrupt practice on his part or his men within the meaning of section 123 of the Act. The argument of the petitioner is that such interference by the respondent against him (P.W. 22) when he was there to issue identity slips to voters on behalf of the Socialist Party candidate did amount to undue influence within the proviso to sub-section (2) of section 123 because he (P.W. 22) was definitely a person in whom the Socialist Party candidate was interested. In that context, according to the petitioner, that interference with P.W. 22 with threat of assault on his raising objection against that clearly constituted a corrupt practice on respondent's part so as to make his election void.

216. I am unable to uphold the above contention of the petitioner, merely because he (P.W. 22) had offered his services to that party's candidate to issue identity slips to his voters could not, I think, given him the status of a person in whom the concerned candidate was interested so that any interference with in that manner if true, made the respondent guilty of the commission of corrupt practice of this nature. I have not been shown any rules under which such slips are required to be issued to voters on behalf of any candidate near about the booth. So, if he (P.W. 22) was doing so it was at his own risk. In that circumstance if the

respondent or his men chose to interfere with him in that way whatever offence they might be deemed to have committed in doing it, but as the law on this point stands it could not on the face of it amount to their being guilty of corrupt practice under section 123 of the Act as to invalidate his election for that reason.

217. As P.W. 22 (Upendra Narain Singh) has said, he had not told the name of any of the above men of respondent to any one as he did not know their names but as to the names of the above voters who had been restrained from voting he (P.W. 22) had told the names of many of them on the very next day of the poll to Thakur Yugal Kishore Singh in which meeting he had also disclosed to him (Thakur Yugal Kishore Singh) about his above oral complaint to the Magistrate of the patrolling party regarding those disturbances. As I have already pointed out, the name of none of such voters finds place in the election petition or its schedules. Nor Thakur Yugal Kishore Singh has come in the witness box to corroborate him (P.W. 22) on these points. It cannot be believed for a moment that had Thakur Yugal Kishore Singh been told about these names by him (P.W. 22) in that way, the petitioner, who is admittedly actively attached to the Socialist Party whose candidate he (Thakur Yugal Kishore Singh) was in this election and has filed this election petition after his (Thakur Yugal Kishore Singh) refusal to do so, would have failed to mention any of those names in this petition. He has not also produced any of those voters in Court to say about his having been restrained in that way from exercising his franchise. P.W. 25 (Benoy Kumar) has given out that of those voters who were so restrained from voting he had disclosed the names of 2-4 to his (P.W. 25) fellow students Ramshis Singh and Rameshwari Tiwary, one or two days after the poll. None of these two has, however, come forward to say so. He (P.W. 25) has admitted that he had met Thakur Yugal Kishore Singh and this petitioner (Hansu Singh) after this poll but did not tell either of them the names of those voters. But this is some what surprising because when he had taken pains to disclose their names to 2-4 of his fellow students it was only natural for him to try to do so with them (Thakur Yugal Kishore Singh and petitioner) in his meeting with them because they were the persons really concerned with this matter.

218. According to Damodar Jha (P.W. 29), whose name has been mentioned in paragraph 20 of the election petition along with Thakur Girjanandan Singh, when he (P.W. 29) was at Sitamarhi Lakshmi High School booth he noticed the arrival of the patrolling party; on learning about the return of Thakur Girjanandan Singh from Sheohar he (P.W. 29) went to his (Thakur Girjanandan Singh) place where he noticed some 10-12 persons complaining to Thakur Girjanandan Singh that they had all been driven out by the men of Nagendra Prasad Yadav (respondent) from Oriental Middle School booth where he (respondent) and his men were doing illegal voting after having snatched the votes from the Presiding Officer, and hearing this Thakur Girjanandan Singh telephoned to the Sub-divisional Magistrate, Sitamarhi from his telephone complaining that Nagendra Prasad Yadav and his men had surrounded the Oriental Middle School booth and were casting votes which they had forcibly snatched from the Presiding Officer of the booth. His (P.W. 29) further statement is that after having so telephoned Thakur Girjanandan Singh left for the Oriental Middle School booth on his jeep followed by him (P.W. 29) on his own jeep and on the way Thakur Girjanandan Singh went to the Oriental Middle School booth and he (P.W. 29) took his jeep towards the village side. He (P.W. 29) has admitted that he did not recognise nor knew the names of any of the above 10-12 voters whom he had noticed complaining as above to Thakur Girjanandan Singh. Unfortunately, the petitioner has not seen his way to bring him (Thakur Girjanandan Singh) as a witness to throw light on these points. So also, none of these 10-12 voters had been named in the election petition nor examined in Court.

219. The entry (Ext. 9) in the Control Room register speaks about deputation of Circle Officer, Dumra and Circle Officer, Bajpatti with armed force. This appears to have been done on the information to which the entry marked Y for identification in this register relates. As this entry stands, it speaks of Thakur Girjanandan Singh informing that there was tension near the Oriental School, Sitamarhi.

It does not give any detail of that information. As already noted, according to P.W. 29, Damodar Jha, who is the only witness of the petitioner regarding communication of such information by Thakur Girjanandan Singh to the Control Room, the latter on that occasion conveyed the message that the respondent's men had surrounded the Oriental School booth and were casting votes in the ballot box after having forcibly snatched them from the Presiding Officer. There is, however, no indication whatsoever in the entry marked 'Y' like this. Mere communication of the message that there was tension near the Oriental School booth cannot, I think, be of any substantial help to the petitioner in proof of his alleged version on this point, because sudden eruption of heat and tension during the poll between the parties near about the polling station is not an uncommon feature in an election of this kind.

220. I have already referred to the evidence of the Circle Officer, Bajpatti (P.W. 44) who had visited this booth that day along with armed force as directed by the Magistrate in charge of the Election Control Room at Sitamarhi (P.W. 40) under the Control Room register entry Ext. 9. There is nothing in his (P.W. 44) evidence to support the truth of the petitioner's allegations regarding the respondent or his men having entered into the booth and driven away the voters debarring them from exercising their franchise or their having forcibly snatched the ballot papers from the Presiding Officer and put them into the ballot box. As he (P.W. 44) has said, after receiving that order of the Magistrate in charge of the Control Room at about 11-30 A.M. he went to this Oriental School booth on a jeep along with armed force and on reaching there he noticed collection of a number of persons inside the polling booth which was located inside the school compound wall whereupon he ordered that those who were voters amongst them must arrange themselves in a queue and the rest must leave that place otherwise he would take strict action against them, and upon his such orders several persons who were there left the booth and fled away. He has also said that thereafter he stayed there for about 8-10 minutes and informed the Presiding Officer that everything was all right and he should go on with the poll and then left the booth. Taking this evidence as it stands, it cannot be definitely said that those persons inside the booth were necessarily men of the respondent. There is nothing in his (P.W. 44) evidence to show that the persons of the respondent were inside or nearabout the booth at that time. On the other hand, as he (P.W. 44) has disclosed, after he returned back as above from this booth to the Election Control Room again he was asked by the above Magistrate in charge to proceed to this booth because information had been received that two men of the respondent had received gun shot injuries at the booth and after receiving that order he immediately went to this booth on the jeep with armed force and reached there at about 12.15 P.M. when the respondent came and requested him to send two of his men, who were then bleeding, to the hospital and when he was still assessing the situation the Block Development Officer of Dumra reached there on a jeep and on his (P.W. 44) request he took those two injured persons to the hospital on that jeep. His (P.W. 44) further statement that at that very time some persons from the side of the respondent's house there came to the road armed with lathis whereupon he (P.W. 44) asked his armed force to chase them away from that place and there was mild lathi charge by the lathi force posted at that booth on which all those persons took to their heels. In the circumstances, these statements of his (P.W. 44) cannot be canvassed as supportive of the petitioner's allegation of poll interference in the manner alleged. It may be that those men of the respondent being agitated at the gun shot injuries sustained by two of respondent's men arrived at the spot with an object of revenge but before they could do any mischief they were driven back by the Magistrate's party.

221. The respondent has brought into the witness box Madan Kumar Lal Das (R.W. 34) a Government servant posted at Muzaffarpur, who had worked as the third polling officer at this Oriental Middle School booth on 1st March, 1971. As he (R.W. 34) has said, along with him Bateshwar Prasad was the Presiding Officer and Sachindanand Singh was the second polling officer at this booth. Both these persons (Bateshwar and Sachindanand) appear to have been included as witnesses in the petitioner's list dated 8th November, 1971 (items A 111 and 116). For reasons best

known to the petitioner he, however, dropped them from his list of witnesses filed on 10th December, 1971.

222. According to him (R.W. 34), all through the polling hours (7.30 A. M. to 4.30 P.M.) he was at this booth along with the Presiding Officer and other polling officers and that the poll was throughout peaceful and there was never any disturbance of any kind till the end of the poll. He has further stated that it is absolutely incorrect to say that when the polling was going on at about 10 A.M. the respondent arrived at this booth along with a number of *lathials* and after entering into the booth drove away the voters and forcibly seized the ballot papers from the polling party and cast into the ballot box after stamping. He has further given out that during the poll the patrolling party headed by a Magistrate used to visit this booth at an interval of every 1-1/2 to 2 hours. He has also proved the Presiding Officer's diary (Ext. G/1) of this booth. According to him, after the poll ended at 4.30 P.M. the Presiding Officer Bateshwar Prasad prepared this diary and then he as well as the other two polling officers signed on it. Denying the petitioner's suggestion that the entries in this diary are not correct and that the Presiding Officer had suppressed in it the fact of poll disturbance he has asserted that everything written in this diary is wholly correct and there was no suppression of any fact in it. As the entries in this diary (Ext. G/1) stand, whose correctness I have no material to doubt, they seem to fully support his (R. W. 34) assertion regarding the poll having passed off peacefully without any disturbance.

223. There is nothing in his (R.W. 34) evidence to prove that he has come to depose falsely for the respondent because of his interest in him. He has emphatically refuted the petitioner's suggestion that he has denied the poll disturbances at this booth at the instance of the respondent. The petition has requested the Court to discard his (R.W. 34) evidence as a liar on the ground that though it was clear from the above statement of the Bajpatti Circle Officer (P.W. 44) that he had to go to the booth with armed force and bring the situation in control after getting a large number of persons who had entered the booth driven out during which he had to resort to lathi charge but still this witness (R.W. 34) has the hardihood to deny it in his evidence asserting that in course of the whole polling there was never any *hulla-gulla* inside the booth and that there was never any lathi charge under the orders of any Magistrate during the poll in the booth. As it appears, his evidence testifying to the poll being peaceful unhindered by disturbances of the nature alleged by the petitioner, which has stood the test of cross-examination, cannot be discarded as unreliable only on his such denials. As the third polling officer his duty was to put ink marks on the fingers of the voters before they cast their ballots and for that he had to be inside the booth very near the ballot box. As already noted, the booth was located inside the school compound wall and he (P.W. 44) had spoken about the collection of men whom he had cleared out who were inside that compound. So also, the arrival of respondent's men, according to P.W. 44 when he was to the booth next on that day on receiving the news of gun shot injuries on the respondent's side were injured and he had recorded the *jardbevan* of these facts his (R. W. 34) above denials about there being no such *hulla-gulla* or lathi charge may be due to his not noticing them being engaged in getting the polling done inside the booth.

224. The evidence of the Police Sub-inspector Prahlad Singh (P.W. 39) also does not seem to be helpful to the petitioner in proof of his alleged case in this regard. On the other hand, his certain admissions in cross-examination tend to support the averment of the respondent regarding the poll having been effected peacefully. According to him (P.W. 39) on 1st March, 1971 at 12.30 P.M. there was firing by the side of this Oriental Middle School booth in which two men Jamun Rai and Bhola Rai of the respondent's side were injured and he had recorded the *jardbevan* of injured Jamun Rai at 12.45 P.M. that day in Sitamarhi hospital and in that case he had examined both those injured. He (P.W. 39) has further said that during investigation of that firing case he had examined the polling officers of this Oriental Middle School booth and they had all stated before him that *hangama* had taken place outside the school compound, at some distance on the north but that had no effect on the polling at the booth and he had also at that time heard people speaking that there was no disturbance of any kind in the poll at this booth.

225. Similarly, there is nothing in the evidence of the Subdivisional Magistrate (P.W. 36), the Deputy Superintendent of Police (P.W. 37) and the District Magistrate (P.W. 43) which the petitioner can avail of in proof of his case as alleged regarding this booth. The trouble at this oriental Middle School booth about which they (PWs. 36 and 37) are said to have heard while moving on that poll day in those areas appear to be connected to the aforesaid firing incident. The Control Room register that the Subdivisional Magistrate and the Deputy Superintendent of Police had informed that Control Room at Sitamarhi that the situation everywhere was all peaceful till then and, accordingly, the Control Room Magistrate incharge (P.W. 40) had ordered for sending of *Khalriat* report on that line to the District Control Room at Mazaarpur.

226. The peaceful passing of the poll has also been solemnly affirmed by R.W. 4 (Durga Choudhary), who was the respondent's polling agent *vide* polling agent from Ext. A/7, on this booth, R.W. 7 (Baijnath Mandal) who held his tea-stall by the side of the P.W.D. road at about 25-30 *laggis* from this Oriental Middle School and R.W. 9 (Ramchandra Yadav) who is the Head Clerk in C.D. & C.M. Union, Sitamarhi. His (R.W. 9) Union office is located in the House close to this Oriental School intervened by only one house and his residence is in a portion of this office. He was also a voter and had cast his vote at this booth at about 9.45 A.M. that day. They have all emphatically denied the taking place of any poll disturbance of the like alleged by the petitioner. As their evidence shows, they are to be regarded as competent witnesses on these points and there is nothing substantial in their testimony on which their sworn statements in these regards can be viewed with suspicion. The mere fact that he (R.W. 9) had admittedly worked as the counting agent of this respondent in 1967 Parliamentary election in which also he had admittedly won and also in this election can by itself no ground to throw over his testimony as unreliable.

227. On a careful consideration of all the above facts and circumstances it is thus manifest that the petitioner has failed to prove the truth of his allegations as made in this behalf and they have to be discarded in the circumstances.

Re: Sitamarhi Lakshmi High School booth in Sitamarhi Assembly Constituency.

228. The petitioner's case with regard to this polling station is contained in paragraphs 21 and 22 read with schedules I and IV of the election petition. He has alleged that from the Sitamarhi Oriental Middle School booth the respondent along with his workers followed by *lathials* came to Lakshmi High School booth at about 1.30 P.M. that day where they got the Socialist party candidate's polling agent Prof. Sreeman Singh (P.W. 18) removed from the place and then threatened the voters as well as the polling party with dire consequences as a result of which the voters as also the above polling agent fled away to save their lives whereafter respondent asked those workers to take away the ballot papers from the Presiding Officer. In the meanwhile respondent's *lathials* about 100 in number also arrived there in bus no. BRF 5588 belonging to respondent's nephew Chandrika Prasad Yadav. Those workers of the respondent after snatching the ballot papers from the Presiding Officer stamped and put them into ballot box. The patrolling party no. 159 informed the Magistrate incharge of the sitamarhi Control Room Regarding these malpractices of the respondent and his workers and Ramanand Singh, M.I.A. (not examined) also sent information about it to that Control Room. When those highhanded acts of the respondent and his workers were not checked then Thakur Girjanandan Singh, M.L.A. (not examined) and Ramanand Singh, M.L.A. informed the Deputy Superintendent of Police and the Subdivisional Magistrate at Sitamarhi about it. On that information both of them left for this booth and on the way when they reached Mehsaul chouk they found that the above bus along with its armed accounts had already been arrested and set to jail; thereafter the respondent made several attempts to get that bus and *lathials* released without success, full facts of which were recorded by the Officer-in-charge of Sitamarhi police station in the relevant station diary dated 1st March, 1971. In schedule I relating to the details of persons alleged to have committed corrupt practices from the respondent's side, 14 names (serial Nos. 5 to 7 and 30 to

41) have been mentioned. Similarly in schedule IV relating to persons against whom the alleged corrupt practices had been committed by the respondent and his men the name of above Prof. Sreeman Singh (serial no. 9) finds mentioned.

229. The respondent's specific denials of the above allegations are contained in paragraphs 16 and 17 of his written statement. He has seriously refuted about his or his men's arrival at this booth and disturbance of the poll in the manner alleged by the petitioner. He has also stated the above Girjanandan Singh and Ramanand Singh and Prahlad Singh to caste-men and of the camp of Thakur Yugal Kishore Singh alleging that if they had done anything as above that was to create evidence for Thakur Yugal Kishore Singh for the purpose of an election case.

230. In proof of his above allegations in this behalf the petitioner (P.W. 47) has relied upon the evidence of above Sreeman Singh (P.W. 18), Ranjit Kaur (P.W. 23), Damodar Jha (P.W. 29) besides the statements of the Subdivisional Magistrate (P.W. 36), the Deputy Superintendent of Police (P.W. 37), the Police Subinspector Prahlad Singh (P.W. 39), patrolling party Magistrate Brahmdeo Narain Missir (P.W. 41) and the District Magistrate (P.W. 43). In this connection, on his behalf, my attention has also been invited to the police papers like station diary No. 14 dated 1st March, 1971 (Ext. 7), the charge sheet (Ext. 6) and the first information report (Ext. 8) regarding the seizure of the above bus No. BRF 5588 and its occupants with arms like lathi etc. as also the entry in the Control Room register (Ext. 9/a) and District Magistrate's letter dated 2nd March, 1971 addressed to his Commissioner (Ext. 13).

231. After having looked into the depositions of the above official witnesses I am inclined to think that they cannot be taken as supporting the case of the petitioner as alleged in this behalf. The above patrolling party Magistrate (P.W. 41) has stated that on that poll day (1st March, 1971) he was the Magistrate incharge of the patrolling party regarding four booths in Sitamarhi town, namely, Lakshmi High School booth and three others. His further statement is that so long the poll was going on he was always going round the polling booths in his charge with his patrolling party on a taxi which was specially hired by the authorities for this purpose and that he does not now remember if he had submitted any report regarding the taking place of any disturbance at these booths of his charge and that in his presence there was never any disturbance at any of these booths. Md. Muslim (R.W. 6) who on that day asserts to have been present at this booth from about 9 A.M. till 2.30 P.M. issuing identity slips to the voters on behalf of the respondent just outside the gate of this Lakshmi High School booth has also stated (*vide* his cross-examination) that so long as he was there he always noticed the arrival of the patrolling party at an interval of about an hour and that one of those arrivals was between 11.15—11.30 A.M. To him (R.W. 6) the petitioner has suggested which he (R.W. 6) has denied, that during their above visit between 11.15 A.M. to 11.30 A.M. the patrolling party men went inside this booth and when they noticed a number of goonda elements stamping the ballot papers and putting them into the ballot box they informed the Election Control Room on telephone. There is also nothing in the evidence of the above Magistrate (P.W. 41) who was admittedly incharge of this patrolling party to say so.

232. In their evidence the Subdivisional Magistrate and the Deputy Superintendent of Police (P.Ws 36 and 37), who were admittedly moving in the same jeep on that day, have stated that on that day when they heard about some trouble at this Lakshmi High School, they went there between 3 to 3.30 P.M. but left it on hearing that a bus carrying some goonda elements had gone ahead and after going for some distance noticed that the officer-in-charge of Sitamarhi police station had seized the bus with its 30—40 occupants and after they were taken to the police station they (P.Ws. 36 and 37) proceeded ahead. The statement of P.W. 37 (Deputy Superintendent of Police) further, which the respondent (R.W. 47) in his evidence has denied, is that when they (P.Ws. 36 and 37) on that day had reached the Oriental School booth at about 4 or 4.30 P.M. that day the respondent approached and requested him to release that bus saying that it belonged to his relation and the men on it had come there in connection with the election work but he (P.W. 37) refused to oblige him. Even assuming there was such a request to him (P.W. 37) from the respondent's

side, that has not any material bearing on this election petition in view of the fact that it has not been proved that those occupants in the bus had actually participated in the alleged poll disturbances as to interfere with the exercise of electoral rights of the concerned voters or had forcibly seized the ballots from the polling party and consigned them into the ballot box. In fact, in his letter dated 2nd March, 1971 (Ext. E) to the Election Commission, which was in pursuance to the latter's query on some complaint made by Thakur Yugal Kishore Singh, the District Magistrate (P.W. 43) while reciting the necessary details regarding the seizure of the bus etc. clearly said that before they could commit any mischief their bus was seized and they were all arrested and they could not, therefore, interfere with fair and free poll in this Parliamentary constituency.

233. No doubt, the District Magistrate has also stated about his having been approached by the respondent regarding the release of this bus and the men so arrested and his (P.W. 43) refusal to oblige him because the police has already instituted a case about that matter. In his (P.W. 43) letter dated 2nd March, 1971 (Ext. 13) sent to his Commissioner he also appears to have mentioned about such approach of the respondent in this connection. Of course, in this letter (Ext. 13) he has set out the reasons which the respondent had given to him on that occasion to support his request for their release. They are, however, not very important for the purpose of the decision of the issues involved in this election case because, as already observed, it has not been proved that those miscreants had been at all able to disturb the poll as alleged.

234. Similarly, the evidence of the Police Sub-inspector Prahlad Singh (P.W. 39) does not appear to be of any material consequence to the petitioner in proof of his allegations in these regards. As he (P.W. 39) has stated, on the poll day (1-3-1971) in course of his movement on a jeep along with some constables in Sitamarhi town as Striking Officer-in-charge of the police he reached near Lakshmi High School at about 3.30 P.M. where he heard a rumour and hue and cry that a bus BRF 5588 was going towards Mehsaul chowk in the town carrying on it about 50 lathials having lathis etc. in their possession and that they were going in that way to do marpit on other polling booth and then he proceeded towards Mehsaul chouk and stopped that bus there and checked it in presence of two witnesses Harnandan Singh and Ram Swarath Singh when he found its occupants, numbering 31 including the driver, having lathis etc. some of which were in their hands and some were kept under the seats. His statement further is that on his enquiry about the names and addresses the answers given by them were not straight and then he seized the bus along with them and took them to the Sitamarhi police station where he instituted a case in that matter on his own first information and after investigation he submitted charge sheet (Ext. 6) against them on 18-7-1971. He has also proved the *sanya* entry (Ext. 7) and the first information report (Ext. 8) of this matter. He (P.W. 39) has, however, admitted that the trial in this charge sheet case has not as yet commenced. An examination of his whole evidence does not bring out anything which can be regarded as supportive of the petitioner's allegations regarding the alleged poll disturbances at this booth (Lakshmi High School booth). His seizure of the bus, with those occupants who are said to have been armed at that time for which a separate case has already been instituted against them does not appear to be strictly material for the points involved in the instant case.

235. According to the petitioner (P.W. 47) about 15-20 days of the counting of votes he accidentally met at about 10-11 A.M. Prof. Sreeman Singh (P.W. 18) while he (P.W. 18) was going to his Goenka College and he (P.W. 47) was returning from his office; in that meeting he (P.W. 18) told him that on the poll day when voting was going on Nagendra Babu (respondent) with 40-50 persons arrived at the Sitamarhi Lakshmi High School booth where he (P.W. 18) was working as the polling agent; arriving in that way those persons forcibly removed the voters in the queue and going near the Presiding Officer forcibly dragged him (P.W. 18) out from the booth by catching his hands; Damodar Jha of Sitamarhi was informed about these high-handed acts of the respondent and his party only a little after by some one from the booth and thereafter Damodar Jha informed the Election Control Room at Sitamarhi on telephone; on that information in the Control Room the

patrolling party headed by a Magistrate arrived at the booth very soon thereafter and brought him (P.W. 18) inside the booth when he began to work as polling agent. His (P.W. 47) statement is that Damodar Jha had also told him at that very time that on the poll day at about 2-30 P.M. bus no. 5588 had arrived at this booth and its occupants numbering 40-50 after getting down from it entered into the booth and cast some votes after forcibly seizing them from the Presiding Officer and then left that booth in that bus which was chased by the Sub-Inspector of Police of Sitamarhi police station who had arrived at the booth immediately thereafter on receiving information and arrested at Mchsaul Chouk of Sitamarhi town and that he (Damodar Jha) had also told him at that time that only a few minutes after the arrival of the Sub-Inspector at this booth the Sub-Divisional Magistrate and the Deputy Superintendent of Police had also arrived there and they also followed the bus on being told about its having gone ahead. He (P.W. 47) has also stated that he had also been told about these incidents by Ramji Kuer (P.W. 23) about 20-22 days after the counting of votes.

236. Notwithstanding his (P.W. 47) above categorical statement regarding such information having been communicated to him by Sreeman Singh and Damodar Jha (P.Ws. 18 and 29) there is, however, nothing in their (P.Ws. 18 and 29) evidence to say so. In fact, P.W. 18 (Sreeman Singh) has in paragraph 15 of evidence said that he had not told anything about this matter to either Thakur Yugal Kishore Singh or the petitioner Hansu Singh.

237. In paragraph 15 of his evidence the above Sreeman Singh (P.W. 18) has volunteered that he had informed about these incidents to Damodar Jha. The latter (Damodar Jha—P.W. 29) has in paragraph 6 of his statement said that when his jeep on that day reached near this Lakshmi High School booth he noticed a bus of red colour standing at its gate when he stopped his jeep and got down to enquire about that bus; at that very time Prof. Sreeman Singh who was working as the polling agent of Thakur Yugal Kishore Singh at this booth came and told him that the men of Nagendra Prasad Yadav had come on that bus and he (Nagendra Prasad Yadav) had come on a jeep and had forcibly dragged him and the other agent Sitaram Murarpuri out of the booth and they had illegally cast ballot papers by forcibly snatching them from the Presiding Officer and hearing this he (P.W. 29) proceeded on the jeep a little ahead and telephoned the Control Room about this matter from the telephone of Jagarnath Sahi and when he came out of Sahi's house he noticed Nagendra Prasad Yadav returning to his house on a jeep and also noticed those persons having got into the bus and left for west. In this connection the petitioner has invited my attention to the entry Ext. 9/a in the Sitamarhi Control Room register and also to the entry marked 'Y/1' for identification. The latter dated 1-3-1971 at 11.20 A.M. speaks of the Control Room having been informed by Damodar Jha about the dragging out of the polling agents Sreeman Singh and Sitaram Murarpuri out of the Lakshmi High School booth. In Ext. 9/a orders were passed to the Sergeant on duty in Town police station to look into the matter and report when he (Sergeant) was stated to have informed that the Officer-in-charge of the police station had already moved. The entry (Ext. C) in this Control Room register of even date at 12 hours shows that the Control Room was informed at that time by the Sergeant from the police station that the Block Development Officer, Dumra had informed him that Marwari School and Lakshmi High School are peaceful. The entry marked 'Z' of the same date at 11.45 A.M. in this register also speaks about the situation in the Sitamarhi town being peaceful so far and effective patrolling going had taken place for the first time at about 11.15 or 11.30 A.M. that day.

238. According to P.W. 18 (Sreeman Singh), he was appointed to work as polling agent of Thakur Yugal Kishore Singh at this Lakshmi High School booth under the polling agent form (Ext. 4/b). He has proved his own signature and that of Thakur Yugal Kishore Singh on this form. It, however, appears that under this form his (P. W. 18) appointment was in respect of Sitamarhi Nagarpalika booth. When his (P. W. 18) attention was drawn to this effect he has not furnished any explanation about it. On the other hand, he has admitted that in this Parliamentary election there was a polling booth located in Sitamarhi Nagarpalika.

239. In his evidence, Sreeman Singh (P. W. 18) has specifically stated that when the respondent along with his *lathials* arrived at this booth at about 11.15 or 11.30 A. M., he (P. W. 18) was dragged out of booth by those *lathials* under his (respondent) order and taken to the main gate of the School in that way where he stayed silently till the arrival at about 11.45 A. M. of the patrolling party when he complained orally to the Magistrate in charge of that party against that high handedness upon which he (Magistrate) escorted him inside the booth whereafter the polling continued peacefully for about two hours when again respondent's *lathials* arrived there on bus no. BRF 5588 and forcibly snatched the ballot papers from the Presiding Officer. The above Magistrate (B.N. Mishra P.W. 41) has not, however, said a word about his (P. W. 18) aforesaid complaint to him on that occasion regarding his dragging out of the booth etc. In fact, as he (P. W. 41) has stated, there was never any disturbance at this booth in his presence and he had not submitted any report regarding any disturbance at any of the four booths including this Lakshmi High School booth under his charge.

240. Coming to the evidence of the petitioner's other witness P. W. 23 (Ramji Kuer), he has admitted that in this Parliamentary election he was canvassing votes for Thakur Yugal Kishore Singh. He has also admitted that he had worked as his polling agent in this election in village Rajopatti and after casting his vote in his village booth which was less than 1/4 miles from Rajopatti he proceeded to Rajopatti booth to discharge his duty as the polling agent of Thakur Yugal Kishore Singh where he reached at 8 A.M. and stayed there till about 12 noon whereafter he came back home and after taking his meal he left his house at about 2 P.M. to fetch medicines for his ailing son from one of the shops located by the side of the Sitamarhi Lakshmi High School where he reached at about 2.30 P.M. when he noticed a bus of red colour standing near that gate and assembly of some persons which aroused his curiosity and then he entered inside the school compound and noticed that some 20-25 persons were coming out after having cast votes after stamping them and they all got into the bus and left for east; at that very time a patrolling party on a jeep arrived from west whom he informed that some *lathials* were going away into the above bus on which that party chased that bus. Ext. A/2 is his (P.W.23) polling agent form regarding Rajopatti booth. In his (P. W. 23) cross-examination he has given out that day he first came to the Oriental Middle School booth and became the polling agent of Thakur Yugal Kishore Singh at that booth and thereafter he cast his vote and when he came out of the booth he noticed that another person Rakesh was working as the polling agent of Thakur Yugal Kishore Singh at that Oriental School booth and at that time, he learnt that there was no polling agent of Thakur Yugal Kishore Singh at Village Rajopatti polling booth and so he went and worked as his polling agent there. There is nothing in his evidence to show that at the above Rajopatti booth where he had gone to work as polling agent of Thakur Yugal Kishore Singh he was relieved by some other agent of his so as to leave this booth in charge of that man and go away at about noon not to return to it again. There is nothing on record to show the alleged illness of his son for which he asserts to have come near this booth (Sitamarhi Lakshmi High School booth) to purchase medicines on that day. No prescription has been produced about this matter. In these circumstances, his presence at or near about this booth on that day it shrouded in grave doubts. I have already referred to his admission about canvassing votes for Thakur Yugal Kishore Singh in this election which on the face of it is pointer to his intense interest in him. Consequently, his interest in his case for the petitioner which is said to have been filed to avenge of his (Thakur Yugal Kishore Singh's) defeat in the election cannot be wholly ruled out.

241. As already observed, according to the petitioner (P. W. 47) he had been told about these incidents by this witness (P. W. 23) about 20-22 days after the counting of the votes, which, as already shown, took place on 10-3-1971. His (P. W. 23) statement, however, is that whatever he had seen and known at this booth he had told about it to the petitioner Hansu Singh as well as Thakur Yugal Kishore Singh on the very next day of the poll, i.e., on 2-3-1971 (poll took place on 1-3-1971).

242. It is significant to find that in spite of petitioner's pointed allegation in the election petition regarding the respondent and his men having driven out a number of voters

from the queue debarring them from casting their votes, none of them has been named in the election petition or its schedule nor any of them has been examined in Court to say so.

243. On the above facts I find myself wholly unable to treat the evidence of above non-official witnesses, namely, P. Ws. 18, 23, 29, and 47 (petitioner) on these points free from suspicion. On the other hand, they given an impression that they have come forward to anyhow support the case of the petitioner being interested for him *vis-a-vis* this election case.

244. As against the above, besides the denials of the respondent (R. W. 47) the allegations in this behalf have also been refuted on oath by the above respondent's workers Md. Muslim (R.W.6) and Sonelal Rai (R.W.11). He (R.W.11) is a teacher in the Sitamarhi Lakshmi High School since 15.1.1959 and is also its hostel superintendent since 1962. According to him, on the immediate east of this school building there is a house of its clerk Jagdeo Narain Gupta and on the election day he (R.W. 11) was in this house of Jagdeo from about 8 A. M. to 3 or 3.30 P. M. in connection with the preparation of annual returns of their school under the orders of the Headmaster. He (R. W. 11) has denied the taking place of any disturbance of the alleged manner at this booth at 11 or 11.30 A. M. or at 1 or 1.35 P. M. asserting that the polling at this booth was all through peaceful and there was never any disturbance during the poll. Both of them (R. W. 6 and 11) appear to have been cross-examined with respect to their such denials and nothing substantial appears to have been gained on whose basis their sworn testimony in this regard can be discredited. Merely because he (R. W. 11) and the respondent come from the same caste can be no ground to doubt the correctness of his testimony on these points when he has stood the test of cross-examination. He has denied the petitioners suggestion of being related to the respondent.

245. Besides his above witnesses the respondent has also brought in Court the Presiding Officer Jagdish Choudhary (R. W. 38) to testify to the peaceful polling at this booth throughout. Being a responsible Government servant (Additional Superintendent of Commercial Taxes), his evidence, as canvassed by the petitioner, cannot be called suspicious merely on the suggestion, which he has emphatically denied, that he has deposed so by suppressing the facts under respondent's instructions whom he had met on the date of his deposition (5-5-1972). As he (R. W. 38) has deposed, on the day of the poll which, as he remembered, had commenced from about 7 A. M. and ended between 4-5 P. M., he was all along present at this booth in his capacity as its Presiding Officer and that the polling was all through peaceful and had taken place in the usual way without any disturbance. He has characterised as wholly incorrect the suggestion that when the polling was going on that day, at about 11 A. M. the candidate Nagendra Prasad Yadav arrived at the booth with *lathials* and forcibly took out the Socialist party candidate polling agent from the booth and again after two hours at about 1 P. M. the *lathials* of Nagendra Prasad Yadav got into the booth and disturbed the poll and drove away the voters who were then waiting to cast their votes and then snatched the ballot papers from him (R. W. 38) and put them into the ballot box. He has further asserted that there was never any disturbance as above during the entire polling whether at 11 A. M. or at 1 P. M. or at any time before or thereafter. As it has come out in his cross-examination, this polling booth was inside a room of this Lakshmi High School and its big campus having a radius of more than 100 yards from the building was surrounded from all sides by a pucca compound wall with only one gate in it opening on the road and the distance of that gate was more than 100 yards from the polling room.

246. Having carefully considered all the above facts and circumstances I have not the least hesitation to disbelieve the petitioner's case of poll disturbances at this booth as he has alleged.

Re: Riga C.D. & C.M. Union booth No. 91 within Bathnaha Assembly Constituency.

247. The petitioner's case regarding this booth is to be found in paragraphs 28, 29 and 30 read with schedules I and III of the election petition. As he has alleged, after the

poll was over on 1-3-1971, at about 5.30 P.M. the respondent came on a jeep no. BRF 6451 to this booth and talked with its Presiding Officer and a little thereafter the respondent and his polling agent Bishambhar Sharma accompanied with the Presiding Officer left the booth with the ballot box and proceeded towards Riga Sugar Factory in that jeep. Consequently, the polled ballot box was not deposited in the election office that day (1-3-1971) but was sent to it on 2-3-1971 though the distance between the two, namely, the booth and the election office was only six miles. The petitioner learnt, from Amar Jha of village Riga, police station Sitamarhi that the respondent and his above polling agent Bishambhar Sharma after getting the ballot box seal broken, got cancelled about 300 votes which had been polled in favour of the Socialist party candidate Thakur Yugal Kishore Singh brought it to the notice of the Assistant office at Sitamarhi in that broken condition and as soon as this fact became known in the locality he (Thakur Yugal Kishore Singh) brought it to the notice of the Assistant Returning Officer A. K. Dutta who desired him to point it out again at the time of its (ballot box) inspection before counting. Accordingly, Thakur Yugal Kishore Singh drew his attention to this fact before the commencement of the counting by handing over to him (Assistant Returning Officer) certain written questions and on finding its seal broken he (Assistant Returning Officer) did not count the ballot papers in that box and a reference was made to the Election Commission. The Presiding Officer was also asked to submit explanation with regard to the breaking of that seal. In schedule I the names of respondent, Bishambhar Sharma and the Presiding Officer (by designation) have been mentioned in respect of this booth as persons who had committed corrupt practice (serial nos. 52 to 54). In schedule III relating to names and designation of the Presiding Officers and Polling Officers whose assistance was obtained by the respondent etc. in this election, the name of this Presiding Officer (Lakshman Lal Das) finds place with respect to this C.D. & C.M. booth.

248. The respondent's specific denials of these allegations are contained in paragraphs 23 to 25 of his written statement. He has emphatically denied to have ever approached and talked with the Presiding Officer after the poll was over and also that the Presiding Officer had gone with him and his polling agent along with the ballot box on his jeep towards Riga Sugar Factory. He has also seriously refuted the allegation of non-deposit of the polled ballot box in the election office at the scheduled time. His denial is equally emphatic regarding his having in any way tampered with the seal of the ballot box in collusion with the Presiding officer and cancellation of about 300 votes of the Socialist party candidate, averring that the ballot box had been duly received by the authorities with its seal intact.

249. The petitioner's evidence to prove these allegations consists of his own (P.W. 47) testimony besides those of his two witnesses P.Ws. 28 and 33 (Amar Jha and Ram Sewak Singh). In this connection he has also tried to rely upon the evidence of the above Assistant Returning Officer (P.W. 42), the District Magistrate (P.W. 43) and the Magistrate who had received this ballot box in the Sitamarhi Treasury (P.W. 44). Besides these oral evidence, I have also been referred, on his behalf, to the Documents like Ext. 9/g, 10, 11, 11/a, 12, 12/a, 12/b, 14 15, 16 and 20.

250. On behalf of the respondent his oral evidence consists of his own testimony (R.W 47), besides those of his four polling agents (R.Ws. 4, 15, 29 and 43) and R.W. 7 (Bajnath Mandal), R.W. 13 (Bindeshwari Prasad Yadav), R.W. 14 (Mahanth Ram Sewak Das), R.W. 18 (Durga Prasad Sah). There is also the evidence on his behalf of the above Presiding Officer Lakshman Lal Das (R.W. 35) whose Presiding Officer's diary is Ext. G/2. Reference has also been invited on his behalf to certain polling agent's forms (Exts. A/18, A/19, A/20) and Exts. 4/m and Ext. F which is the above questionnaire of Thakur Yugal Kishore Singh which he had filed before the Assistant Returning Officer (P.W. 42) at the time of counting of votes

251. Before proceeding to examine the merit of petitioner's allegation in this behalf on fact I would like to dispose of the legal point that has been urged in connection with this allegation.

252. According to the petitioner this alleged corrupt practice involving the procurement by the respondent of the

help of the Presiding Officer to tamper with the ballot box in the manner alleged and cancellation of about 300 votes of the Socialist party candidate is clearly covered by sub-section (7) of section 123 of the Act. As this provision stands, obtaining or procuring by a candidate or his agent or by any other person with his consent any assistance other than getting of vote for the furtherance of the prospect of that candidate's election from any person in the service of the Government and belonging to any of the 7 classes enumerated in this sub-section constitutes corrupt practice within the meaning of this section. Among these classes petitioner has confined his case to nos. (a) and (b) which speak of gazetted officer; stipendiary judges and magistrates respectively. As argued by the petitioner, the Presiding Officer after his being vested with the magisterial powers during this election under Government notification dated 17-2-1971 (Ext. 21) became full-fledged gazetted officer in the category of stipendiary magistrate, and, as such, any use of his assistance by the respondent for furthering prospects of his election clearly constituted corrupt practice under section 123 of the Act. The correctness of this stand has been challenged by the other side with reference to the relevant materials on record, and I think rightly.

253. The Presiding Officer Lakshaman Lal Das (R.W. 35), as he has disclosed, is an Accountant in the office of the Deputy Director of Animal Husbandry at Muzaffarpur since 1-6-1966. He has further given out that he is a non-gazetted officer of the Government and cannot draw his salary and allowances over his signature because it is only a gazetted officer who can draw his salary and allowances over his signature; being a non-gazetted officer in his Department his service record is maintained in the office of his Deputy Director at Muzaffarpur and not in the office of the Accountant-General, Ranchi where service records of only gazetted officers are maintained. His evidence further shows that his salary is paid on the acquaintance roll over the signature of his drawing and disbursing officer as against the salary of a gazetted officer which is paid on receipt of the requisite salary slip from the Accountant-General's office. He has further stated that his name does not find place in the State Civil list in view of his non-gazetted status which contains of only gazetted officers of the State, and that his transfer and posting is not notified in the official gazette unlike the transfer and posting of gazetted officers which are notified therein. The correctness of these statements does not appear to have been challenged by the other side. They obviously prove his non-gazetted status as distinguished from gazetted merely because he was vested with magisterial powers for the purpose of this election could not transfer his position into a gazetted officer during that period.

254. The Government notification (Ext. 21) dated 17-2-1971 under which magisterial powers were vested to a large number of officers including this Presiding Officer (serial no. 1119) categorically mentioned their vesting with second class magisterial powers from the period from 26-2-1971 to 15-3-1971 within local areas mentioned against their names. At the end it was mentioned in unmistakable terms that that vesting of magisterial powers to them was to enable the District Magistrate to put them in charge of armed force in time of emergency and not for the purpose that they could make use of that power to decide case. On these manifest facts it is simply impossible to hold with the petitioner that by dint of such magisterial powers, which as already observed, was for a limited period and purpose, his (R.W. 35) status became raised to that of a stipendiary magistrate for that period as to be treated as a gazetted officer, even though basically he is a non-gazetted Government servant. On the other hand, he must be deemed to have continued his basic non-gazetted status even during that period with this difference that he was vested with second class magisterial powers for those days so that the District Magistrate, if necessary, utilise his services as in-charge of armed force in case of emergency and not for any other purpose. There is nothing on record to show that by virtue of such vesting of magisterial powers there was any increase in his salary. So, he must be deemed as enjoying his existing salary which he had been drawing from before. In such a situation, the question of his being a stipendiary magistrate as such for that period did not arise at all.

255. In the case of R. Subbanna v. S. R. Guru and others [L.R. 12 (1956) 201] the learned Election Tribunal had

held that the usual incidents attached to the office of a Gazetted Officer which distinguish such an officer from a non-Gazetted Officer are (i) the appointment of a Gazetted Officer is always published in the official Gazette; (ii) A Gazetted Officer can draw his salary and allowances on bills signed by himself; (iii) a record of his services is maintained by the Audit Office; (iv) the powers and privileges of such officer are enumerated in the Financial Code, Civil Service Regulations and the Service Conduct Rules. From his (R.W. 35) statement, as referred to above, whose correctness has not been controverted, it is manifest that none of these incidents was applicable to him at the relevant time to upgrade his non gazetted rank to a gazetted one at that time.

256. On the above facts, I have no manner of doubt that he (R.W. 35) during his employment as a Presiding Officer in this election continued his non gazetted status and was never to be treated as a gazetted officer or stipendiary magistrate within the meaning of sub-section (7) of section 123 of the Act. It may be noted that during his case within the ambit of clause (g) of this sub-section (7).

257. For the above reasons, whatever fault may have been of this Presiding Officer (R.W. 35), if he had rendered any help to the respondent during this election, but that could not be regarded as an instance of corrupt practice within this provision of law, namely, section 123(7) of the Act as to make his (respondent) election void under section 100 of the Act on this score.

258. This aspect apart, an analysis of the facts and circumstances, as they emerge from the evidence on record, it is manifest that there is no substance in the petitioner's allegation in this regard and his case as set out, has to be rejected being devoid of truth. I have already indicated the nature of the parties' evidence, oral and documentary. They have now to be analysed to find out how far on that basis the petitioners allegations in this behalf can be accepted as proved on merit.

259. The above allegations of the petitioner contained in paragraphs 28, 29 and 30 of the election petition regarding this booth are admittedly based not on his own personal knowledge but they are derived from the information that he had received from other persons like voters etc. (vide his verification of the election petition). In paragraph 8 of his evidence the petitioner (P.W. 47) has averred that 3 or 4 days after this poll he had learnt from Amar Jha (P.W. 28) that at this booth no. 91 when the poll was over, at about 5.30 P.M. Nagendra Prasad Yadav (respondent) came to this booth on jeep no. BRF 6451 and going inside the booth talked to the Presiding Officer and a little thereafter the respondent, his polling agent Bishambhar Sharma and the Presiding Officer got into that jeep along with the polled ballot box and drove towards Riga Sugar Factory. His statement further is that it at that very time Amar Jha stated to him that Bishambhar Sharma had told him that by bringing that Presiding Officer in collusion they had got cancelled about 300-400 votes polled in favour of Thakur Yugal Kishore Singh after taking them out of the ballot box. He (P.W. 47) has further said that on having learnt those facts from Amar Jha he asked the latter if he had disclosed the matter to any body else on which he told him (P.W. 47) that on the second or third day of the poll he informed Thakur Yugal Kishore Singh about it on which he (Thakur Yugal Kishore Singh) complained about it on telephone to the Assistant Returning Officer A. K. Dutta who in reply informed him that nothing could be done then and whatever was possible would be done at the time of counting of votes of that box.

260. Amar Jha (P.W. 28) has deposed that on that poll day after casting his vote at about 10 A.M. in the Middle School booth in his village Riga he returned home for rest being a patient of asthma; after resting for about 2-3 hours at about 3 P.M. he went to the dispensary of Dr. Munindra Jha which is situated by the side of the Cane Development Union office in that course when he reached this office at about 3 P.M. he saw some 10-15 voters standing in que to cast votes and he proceeded ahead; on reaching the dispensary when he learnt that Dr. Jha was out on call and would return a little after he left the dispensary and came to a betel shop by the side of this booth from this shop this booth was fully visible when he was still at this shop taking tea, at about 5.30 P.M. a jeep arrived

thers from the south side and stopped near the gate of this booth the respondent came out of the jeep and went inside the booth and seeing this above Bishambhar Sharma who was at that time sitting with him (Amar Jha) at this shop taking tea left the shop and went towards the respondent about 10-15 minutes thereafter the respondent followed by one *chaprasi*, who was carrying a ballot box in his hand and polling officer came to the jeep from the booth coming so the respondent Nagendra Babu and that polling officer sat on the front seat of the jeep and the *chaprasi* kept the ballot box by the side of the polling officer; the *chaprasi* went inside the booth again and returned with two other ballot boxes which were neither covered with cloth nor sealed and he kept those two ballot boxes on the back seat and himself remained outside the jeep; Bishambhar Sharma sat on the back seat of the jeep thereafter the jeep along with those three persons; namely Nagendra Prasad Yadav the polling officer and Bishambhar Sharma and those three ballot boxes left that place and went away; even after the jeep had left in that way he (Amar Jha) continued at the shop and returned home at 6-15 P.M. after meeting Dr. Jha on his return; next morning at about 8 A.M. Basdeo Sharma whose house is by the side of above Bishambhar Sharma, came to him and reported that previous night Bishambhar Sharma had informed him (Basdeo Sharma) that about 300-400 ballots of Thakur Yugal Kishore Singh had been taken out from breaking the seal of the ballot box; after having learnt of such illegal tampering of the ballot box he (Amar Jha) came to Sitamarhi from Riga by 2 P.M. train and went to the house of Thakur Yugal Kishore Singh and related the whole story to him and hearing this he (Thakur Yugal Kishore Singh) telephoned about it to Dutta Sahab who was election incharge at Sitamarhi and after finishing that telephonic conversation with Dutta Saheb Thakur Yugal Kishore Singh told him that he (Dutta Sahab) had informed him that nothing could be done at that stage and that he should remind him (Dutta Saheb) at the time of counting for necessary action; the petitioner Hansu Singh met him (Amar Jha) at his village about a month after this poll and enquired of him about this incident when he (Amar Jha) told him everything that he had seen and heard about it.

261. Ram Sewak Singh (P.W. 33), who is the petitioner's other witness on this point, has stated that on that poll day after casting his vote at the Lower Primary School booth in his village Majhoura, he had gone to Sugar Factory at Riga; at about 5 P.M. that day he returned from that Sugar Factory and reached near the Riga Cane Marketing Union where there was a polling booth; when he reached there the polling at this booth was by then over; there he was called by Amar Jha at the tea Shop where he (Amar Jha) was taking tea at that shop Bishambhar Sharma of Riga and Bachan Singh of Majhoura were also sitting; at that very time a jeep arrived there carrying the respondent Nagendra Prasad Yadav and 2-3 other persons whom he did not recognise at the sight of that jeep Bishambhar Sharma left the shop and went to meet him; thereafter both Nagendra Prasad Yadav and Bishambhar Sharma went to the Presiding Officer inside the polling booth; Nagendra Prasad Yadav along with the polling officer and Bishambhar Sharma as also one *chaprasi* and one other man came out of the booth; the *chaprasi* then kept two ballot boxes at the front seat; he (*chaprasi*) also brought two other ballot boxes and kept them in that jeep the jeep then started with Nagendra Prasad Yadav, Bishambhar Sharma, the *chaprasi* and one or two other persons and went towards the Riga Sugar Factory after the jeep went away he (P.W. 33) left that place and returned home.

262. From their (P.Ws. 28 and 33) description of this incident it is clear that they differ on some substantial points. According to the former (P.W. 22) after the ballot boxes had been kept in that way on the jeep it left the place carrying only the respondent, the polling officer and Bishambhar Sharma, and the *chaprasi* remained behind at the booth. P.W. 33 (Ram Sewak Singh) has, however, said that the *chaprasi* also went in that jeep. According to his (P.W. 33) evidently the jeep when it left the booth in that way carried not only that officer, respondent, Bishambhar Sharma and the *chaprasi* but also one or two other persons. According to the first P.W. 28 the jeep carried 3 ballot boxes whereas this number according to latter (P.W. 33) was four. This difference in number may not have been so material but it assumes some importance be-

cause both of them have tried to explain in details how those boxes were brought out of the booth and kept in the jeep before it left with them.

263. As already mentioned the petitioner has given out that he had been told about this incident by Amar Jha (P.W. 28) 3-4 days after the poll whereas he (P.W. 28) has given out this date to be about a month after the poll. According to the petitioner (P.W. 47) in the information that he had received from Amar Jha (P.W. 28) regarding this matter the Presiding Officer had been mentioned as the person who had left with the respondent and his polling agent on the jeep with the ballot boxes. He (P.W. 28) in his evidence has mentioned that officer to be the polling officer and not the presiding officer. Similarly, P.W. 33 (Ram Sewak Singh) has also named that officer to be the polling officer of the booth. As already mentioned, in the information that P.W. 28 (Amar Jha) had conveyed to the petitioner about this matter he had disclosed that he had been told by Bishambhar Sharma, respondent's polling agent that they had got cancelled about 300-400 votes of Thakur Yugal Kishore Singh after taking them out from the ballot box. He (Amar Jha) in his evidence has not said so. Rather, this statement is that he had been told so next morning by Basdeo Sharma (not examined) who as he (Basdeo Sharma) disclosed at that time had been told about it previous night by Bishambhar Sharma.

264. Though he (P.W. 28) in his evidence has emphatically denied to have done any work in this election for Thakur Yugal Kishore Singh, but this appears to be untrue because in the cross examination of R.W. 14 (Mahanth Ram Sewak Das) it has been specifically suggested from petitioner's side that he (Amar Jha P.W. 28) was helping Thakur Yugal Kishore Singh in this 1971 Parliamentary election to which he (R.W. 14) has also replied in affirmative. Similarly, though Ram Sewak Singh (P.W. 33) has denied to have rendered any help to Thakur Yugal Kishore Singh in this Parliamentary election stating that he had returned to his village only 3 days before the poll and had never met him at any time before the poll or on the date of the poll, but petitioner's own witnesses (P.Ws. 26 and 27) have admitted that he (Ram Sewak Singh) was in this election doing works and canvassing votes for Thakur Yugal Kishore Singh. From this it is clear that both of them (P.Ws. 28 and 33) were helping Thakur Yugal Kishore Singh in this election who, according to the respondent, is the pioneer of this election petition through this petitioner, who is admittedly an active worker of the same party to revenge his defeat in this election at his (respondent's) hand. This not only shows that they are interested witnesses but it is also a pointer to their scant regard for truth.

265. As already observed, his (P.W. 28) statement is that next morning of the poll at about 8 A.M. Basdeo Sharma had reported to him (P.W. 28) about his having been informed the cancellation of 300-400 votes of Thakur Yugal Kishore Singh at the instance of the respondent after breaking the seal of the ballot box. This Basdeo Sharma has not, however, come forward to support him (P.W. 28) on this point. In the same way, Thakur Yugal Kishore Singh to whom he (P.W. 28) asserts to have reported everything about this matter on 2-3-1971 at about 3 P.M. by going over to his place at Sitamarhi has not been brought to the Court to corroborate him (P.W. 28) in this matter. The above doctor Munindra Jha to whom he (P.W. 28) asserts to have gone on that day for his medicine and had returned home after meeting him Dr. Jha at about 6.15 P.M. that day has not also come to the witness box to speak about his (P.W. 28) such visit to his dispensary that day at any time.

266. In the absence of his (Dr. Jha's) evidence his (P.W. 28) going to his dispensary more than a mile from his (P.W. 28) houses via this C.D. & M. Union appears highly doubtful. On being confronted with the question of the medicine that he (Dr. Jha) had prescribing him on that day after his examination he (P.W. 28) has tried to get out of it by saying that in course of that examination he had not written for him any prescription but had simply given him medicine from his dispensary which was rather unusual for a doctor. It is somewhat unbelievable that, as he (P.W. 28) says, whenever Dr. Jha examines him at his house he gives him prescription whereas on his examination of him in his dispensary he does not give him any prescription but simply medicines which he eat. The above

betel shop keeper who, according to him (P.W. 28) was Ramcharitar and is still running that shop has not also been brought to testify to their (P.Ws. 28 and 33) presence at his shop at that time. In fact respondent's witness (R.W. 43) has denied the existence of any such betel shop of Ramcharitar near this G. D. & C. M. booth and has given out names of persons other than any such Ramcharitar whose betel shops are at this place. It was surprising that the petitioner who was present in the court room failed to supply the father's name of this Ramcharitar when asked to do so while R.W. 43 was being cross examined on his (petitioner's) behalf (para 41 of R.W. 43's deposition). Such an inability on petitioner's part according to respondent, is explainable only by the absence of any such Ramcharitar there otherwise it must have been to petitioner's knowledge to summon him (Ramcharitar) as his witness.

267. According to the petitioner (P.W. 47), after he had learnt of these incidents from above Amar Jhar he made enquiry about this matter from the voters of this booth, including Maheswar Thakur and Nageshwar Thakur of village Majhaura. Both these persons (P.Ws. 26 and 27) have been examined in Court. But they have not said anything about any such enquiry by this petitioner.

268. It is admitted by Amar Jha (P.W. 28) that there was a public telephone in the Riga Post Office which at about 400-500 yards of this C.D. & C.M. booth. He has also admitted that the above Dr. Jha had also his private telephone at his place at that time. In such circumstances, he (P.W. 28) was expected to have tried to inform Thakur Yugal Kishore Singh about this serious poll incident from any of these telephones. Such an attempt on his part that very time was natural because his interest in the matter is well proved by his statement that the very next day (2-3-1971) he undertook the trouble of going to Sitamarhi by train from his village and bring this fact to his (Thakur Yugal Kishore) notice at 3 P.M.

269. The above Bishambhar Sharma (R.W. 43), who was the polling agent of the respondent at this C.D. & C.M. polling station (vide polling agent from Ext. 4/m) while admitting that this Amar Jha (P.W. 28) is his co-villager has asserted that in this Parliamentary election he (P.W. 28) was working for Thakur Yugal Kishore Singh and had also worked for him in his Parliamentary elections of 1962 and 1967. He (R.W. 43) has denied to have ever met Amar Jha on the poll day (1-3-1971) at about 5 or 5-30 P.M. While also emphatically denying the above statement of Amar Jha (P.W. 28) regarding their meeting that day at about 5 or 5-30 P.M. at the above tea shop and his (R.W. 43) going to the booth at the sight of the respondent's arrival on a jeep and their having left in that jeep along with the ballot boxes and the polling or presiding officer, he has also denied to have ever told Basdeo Sharma or Amar Jha on 1st or 2nd March, 1971 that he had got the seal of the ballot box of this booth broken and cancelled about 300-400 polled ballots of Thakur Yugal Kishore Singh by taking them out from the ballot box. He has also asserted that he had never any talk whatsoever regarding any matter concerning this booth with Basdeo Sharma, Amar Jha (P.W. 28) or Ram Sewak Singh (P.W. 33). He (P.W. 43) has been cross examined at length and there seems nothing in it to disbelieve these denials of his. If he (R.W. 43) along with his candidate (respondent) had actually got any such malpractice practised by bringing the Presiding Officer in their collusion how could he be expected to disclose it to Basdeo Sharma or anyone else unconnected with his side. After all it was a very serious matter and if it leaked out it was sure to prove disastrous for his candidate as also for himself and the Presiding Officer. For a man in his position the normal reaction would have been to keep it as secret as possible and not to allow it to go into the ears of these persons so soon after its commission. There is nothing on record so that he (Basdeo Sharma) was so much in his (R.W. 43) confidence that he thought of disclosing this fact to him that very night to give him (Basdeo Sharma) an opportunity to convey it to Amar Jha (P.W. 28) who, as shown above, was working in this election for Thakur Yugal Kishore Singh, the very next morning. Merely because he (Basdeo Sharma) was his (R.W. 43) agnate and neighbour, he (P.W. 43) was never expected to disclose this most serious irregularity on his (R.W. 43) part to him and that also so quickly. There is also nothing to show that he (R.W. 43) had any special occasion to make this disclosure to him (Basdeo Sharma). As a prudent man it was only natural for him (R.W. 43) to

give the matter a very strict cover if not all times to come but at least till the declaration of the election result.

270. It is equally unbelievable that he (P.W. 43) and respondent would have dared indulging in all these serious acts in collusion with the Presiding Officer under the very nose of this Amar Jha who was in this election actively interested for another candidate (Thakur Yugal Kishore Singh). If they were to do so they were bound to be deterred by his (Amar Jha's) presence at the nearing shop from which he was well in a position to mark their activities. When they had managed to have the polled box detained instead of making it over to the collecting party where was the difficulty in there way to have their such object implemented after sunset under the cover of darkness to avoid detection instead of doing so at about 5.30 P.M. when it could be noticed by anyone in the neighbourhood.

271. In this connection the evidence of the Presiding Officer of this booth (R.W. 35) is very important. As he has given out, at this booth he had the assistance of 1st, 2nd and 3rd polling officer, who were Sarju Prasad Singh, one Gram Sewak of Runnisaidpur (whose name he does not at present remember) and Ramashis Sah, who was then a peon in the office of his Animal Husbandry Deputy Director; he (R.W. 35) was all along at the booth throughout the whole polling period from 7.30 A.M. to 4.30 P.M. He has characterised it as absolutely incorrect that on that day after the polling was over at about 5.30 P.M. Nagendra Prasad Yadav came on a jeep and talked to him in the booth whereafter he along with Nagendra Prasad Yadav and his polling agent Bishambhar Sharma left the booth on that jeep together with the polled ballot boxes and went towards Riga Sugar Factory. His statement further is that after the poll was over a patrolling party consisting of rifle police, one Subinspector of police and magistrate in charge came to this booth at about 5.30 P.M. to collect the polled ballot boxes when he handed over his polled box to that Subinspector Ramchandra Das for which he (Sub-inspector) granted him the necessary receipt in his own pen and signature, which he (R.W. 35) had brought to Court (none of the parties suggested that this receipt be marked as an exhibit in the case so it remained with the witness) and he R.W. 35 had also granted to him (Subinspector) a receipt with his signature about it. This receipt, as proved by him (R.W. 35) has been marked as Ext. D. As he (R.W. 35) has also given out at the time of handing over that sealed ballot box to the Subinspector he had also made over to him other sealed packets which were all mentioned in this receipt (Ext. D) in the appropriate columns. He (R.W. 35) has emphatically denied the suggestion that he had deposited the sealed ballot box at Sitamarhi on 2-3-1971 and had not handed it over to the patrolling party at the booth on 1-3-1972. He has also proved his Presiding Officer's diary (Ext. G/2) testifying to its entries being in his pen bearing his signature and according to him he had made over this diary to the Subinspector of Police on 1-3-1971 at the booth while handing over the sealed ballot box and other covers to him. Ext. 15 is the ballot paper account of this booth in his (R.W. 35) pen and signature and it is also stated to have been made over to the Subinspector at that very time by him (R.W. 35) in a separate sealed packet.

272. From the entries in the above receipt (Ext. D) in prescribed form, whose genuineness I have no material to doubt it is clearly shown that the concerned Subinspector Ramchandra Das, who was admittedly in the patrolling-cum-collecting party had received 5 sealed packets and the sealed polled ballot box from this Presiding Officer Lakshaman Lal Das on 1-3-1971 and granted him this receipt in token thereof. About this document (Ext. D) the petitioner's suggestion to him (R.W. 35) in cross examination, which he has stoutly refuted is that being related to the Subinspector Ramchandra Das, he (R.W. 35) had obtained this receipt by bringing him in his collusion at about 12 P.M. on 1-3-1971 and on that basis he (R.W. 35) had himself deposited the ballot box and other packets in the Sitamarhi treasury on 2-3-1971. He (R.W. 35) has also denied his being in any way connected with this Sub Inspector. No attempt appears to have been made by the petition to have this Sub Inspector into the witness box either as his own witness or a Court witness. If the petitioner was sure of the correctness of his allegation in this regard against him (Subinspector) he could have well requested the Court to have him as a Court witness so that he could cross examine him to elicit from him materials to show that this document

did not represent the correct state of affairs and had been created by his collusion with the Presiding Officer (R.W. 35) Ext. 16 is the signature of the Circle Officer Bishwanath Singh (P.W. 44) on the receipt (Ext. D) which he (P.W. 44) admits to have affixed on it (Ext. D), after he had received the polled ballot boxes of booth no. 91 within Bathnaha Assembly Constituency in the strong room. As he has given out, on 1-3-1971 when he was sleeping in his house at Sitamarhi at about 2 A.M. that room. As he has given out, on 1-3-1971 when he was sleeping in his house at Sitamarhi at about 2 A.M. that night the Sub-divisional Officer sent him a message through a *chaprasi* directing him to go and accept the polled boxes of Bathnaha Assembly Constituency whereupon he went to the strong room of the Sub-divisional Office and accepted the polled boxes of this constituency and it was by then 2.30 A.M. His evidence shows that he commenced receiving the polled ballot boxes at about 2.30 A.M. and continued to receive them till about 9.30 A.M. on 2-3-1971. He has further given out that in that course he had received such boxes of about 100 polling booths of this Bathnaha constituency and the boxes of the rest of the booths had been received earlier that very night by another Magistrate K. P. Mishra. The method which he (P.W. 44) had followed in receiving the ballot boxes in the strong room relating to this constituency (Bathnaha Assembly Constituency), as he (P.W. 44) has given out, was that each polled box along with the sealed packet was presented to him by the police officer in charge of the patrolling party who used to present them to him along with chalan concerning them and then he used to check up the entries of those chalans with reference to the materials concerned, namely, the ballot box and the sealed packets and after finding them tallying he used to pass them and then the ballot boxes as well as the packets used to be taken and kept in the strong room; before passing the challans to enable his men to accept and keep them in strong room he (P.W. 44) used to scrutinise the seals on the ballot boxes and packets and after finding them correct he used to pass challans and allow their taking to the strong room; the time taken by him for such checking etc. in respect of those ballot boxes and packets of every party was about 6-7 minutes.

273. Regard being had to the above statements of the circle officer (P.W. 44) relating to the receipt of polled ballot boxes of this Bathnaha Assembly Constituency within which this C.D. & C.M. booth no. 91 admittedly lay, the question of the above Presiding Officer (P.W. 35) having deposited the polled box himself at the treasury that night did not arise. His (P.W. 44) statements also clearly prove that the seal of this box as also the other packets when received in the treasury that night by him were found to be in order otherwise he would not have passed them for being taken into the strong room. In this connection I may also refer to the statement of A. K. Dutta (P.W. 42), who had worked as the Assistant Returning Officer of this Bathnaha Assembly constituency for counting of votes on 10-3-1971. As his evidence shows, before the counting started in his counting segment the seals of all the ballot boxes relating to his segment were found to be in order. He also said that when this ballot box was presented before him in his segment along with other ballot boxes he found the paper seal of this ballot box (relating to booth no. 91) to be quite intact. As he (P.W. 42) has further said, before the actual counting in his segment started Thakur Yugal Kishore Singh filed a petition alleging commission of some irregularities in the polling of this booth no. 91 whereupon he ordered this ballot box to be kept separate and not to be counted at that time and in the meantime when the District Magistrate, who was the Returning Officer of this Parliamentary election, arrived at his segment he made over that petition of Thakur Yugal Kishore Singh along with the sealed ballot box and other materials relating to this booth to him and he took them all to Muzaffarpur for needful.

274. Ext. F. is the copy of the above petition of Thakur Yugal Kishore Singh which he had presented to the Assistant Returning Officer (P.W. 42) before the commencement of the counting of that segment. It is in the nature of questionnaire without being signed by anyone. There is nothing in it to specifically allege tampering of that ballot box in any manner. It seems to pose some questions regarding paper seal etc. with request that those things should be examined and shown to the candidate if they were found to be there. In other words, these questions were in the nature of a probing enquiry to know how the matter stood

on those facts. This document (Ext. F) is, therefore, not of any material consequence to the petitioner in proof of his allegation about this particular matter in controversy.

275. Exts. 14 and 20 are, respectively, the paper seal account and damaged paper seal relating to this C.D. & D.M. booth no. 91. Ext. 14 bears the signature of Thakur Yugal Kishore Singh. It (Ext. 14) mentions that the polling agents were not present in the beginning or at the end. It also shows that six paper seals nos. 1235437-42 were supplied and out of that only one bearing no. 1235438 was used and one bearing no. 1235437 was damaged. This damaged paper seal is the bove Ext. 20 whose number as printed on it tallies with its number as mentioned in Ext. 14.

276. In his (R.W. 35) cross examination (paras 60 and 61) he has emphatically denied the petitioner's suggestion that before start of the poll he had sealed the ballot box of this booth with this paper seal (Ext. 20) and that after the poll was over, in order to take out the ballot papers numbering 434 he had punctured that paper seal and opened the box and taken out those papers to cancel them and that at that time he had affixed this paper seal in the ballot box not with gum but with lac (Lah) and that the mark of that lac was still present on this paper seal at the two ends. In fact, it (Ext. 20), as it is does not bear any lac mark at any place. From this witness (R.W. 35) the petitioner has taken out the procedure that are required to be followed by the Presiding Officer while preparing the ballot box by affixing the paper seal inside it and make it ready for poll (paras 35 to 38). He (R.W. 35) has also in paras 41 to 43 of his cross-examination explained in detail the circumstances in which the above paper seal no. 1235437 (Ext. 20) got damaged while he was trying to affix it inside the ballot box as required by rules and how he had replaced it by another paper seal in order because of that damage. These statements are duly corroborated by the damage condition of this paper seal (Ext. 20) and also relevant entries about it in the paper seal account (Ext. 14). On the facts as they stand, I feel no hesitation to disbelieve the petitioner's case regarding this paper seal having been subsequently punctured after the poll by the Presiding Officer to open the ballot box to enable him to take out 434 polled ballots and cancel them. As the mechanism of the ballot box is, in case the box had been sealed with it (Ext. 20) inside it prior to the poll any attempt to open the box after the poll by puncturing this paper seal must have torn it (paper seal) into two separate pieces at least. But this is no so. It (Ext. 20), as it is, is simply damaged at one edge to some extent otherwise it is intact. It has been taken out in para 37 of the Presiding Officer's (P.W. 35) evidence that puncture of a paper seal is different from its damage. On the available facts, the condition of this paper seal (Ext. 20), as it is, fits in more with his (R.W. 35) averment about its being damaged while he was fitting it in the ballot box to make it ready for poll and his replacement thereof by another paper seal in order than the petitioner's allegation that it was initially affixed in the box but was subsequently punctured to open the box after the poll.

277. Ext. 15 is the ballot paper account in prescribed form of this booth no. 91 as prepared by the Presiding Officer (R.W. 35). As he (R.W. 35) has averred, he had prepared this account at that very time in his own pen and signature and made it over to the aforesaid Sub Inspector in a separate sealed packet along with the sealed packets accounts. In this document 434 ballots (serial nos. 601243 to 601676) have been shown as cancelled against the entry 'For violation of voting procedure under rule 39'. In the above Presiding Officer's diary (Ext. G/2), as prepared by him (R.W. 35), in item (20) it has been stated that 100-150 persons had created rowdyism during the poll and wanted to cast vote in an objectionable manner and against rules, and, accordingly, he (Presiding Officer) cancelled those votes. No doubt, against item 24 of this diary relating to mistakes and irregularities, if any, during the voting he has put a 'X' mark. He has, however, offered an explanation for this, which cannot on the face of it be taken as absurd, saying that since he had already mentioned about those irregularities in item 20 of this diary he did not think it necessary to repeat it again in item 24. Similarly, he has explained his 'X' mark against item no. 21(2) of this diary by stating that he meant by that mark to say that no voter had caste his vote illegally into the ballot box during the election.

278. In answer to the question by the petitioner as to whether he had cancelled any ballot paper for violation of

rule 39 of Instructions to Presiding Officers (1971), as mentioned in item no. 4(a) of this ballot paper account (Ext. 15), he has given out that there was no violation of rule 39 during the poll and the number of cancelled votes 434, as mentioned against this item of Ext. 15, referred to the votes in violation of rule 48(a) of those Instructions to Presiding Officers and this he had mentioned because this column no. 4 provided for entry of votes cancelled for any other reason also. There seems no good reason to discard as unbelievable this explanation of R.W. 35 on this point which appears plausible. No, doubt, rule 48(a) strictly interested does not contemplate of entry regarding such cancelled ballots. This is, however, not so important because sub-clause (b) of clause 4 of Ext. 15 provided for entry of ballot papers cancelled for any other reason whereas sub-clause (a) of it required mentioning of cancelled ballots for violation of voting procedure under rule 39. In such a circumstances, if the Presiding Officer had noted about his such cancellation of 434 ballots in this sub-clause (a) he could not be deemed to have gone very much wrong. His mentioning of these cancelled votes in the column of sub-clause (a) instead of sub-clause (b) by itself cannot be a ground for disbelieving his version in this behalf because that may be just a slip of pen resulting from his tense mind in the context of the situation as it obtained then.

279. The mere absence of the signature of the polling officers on this diary (Ext. G/2), which as already observed the Presiding Officer (R.W. 35) solemnly affirmed to have prepared at that very time in his own pen and signature and handed over to the collecting party while making over to them other materials like polled ballot box etc, by itself cannot be a circumstance to entertain doubts regarding its genuineness. As it has been shown, this diary was lying in deposit in appropriate custody at the District Election Office and had been called for the Produced in Court from that custody. He (R.W. 35) has given out that he had forgotten to take the signatures of his first and second polling officers at this diary by mistake. That this diary (Ext. G/2) has been prepared by him (R.W. 35) is also seems to be admitted by the petitioner in his suggestion to him that he had prepared this incorrect diary (Ext. G/2) in place of the previous correct diary which had been prepared and duly signed by his first and second polling officers at the booth but he subsequently destroyed it without handing it over to the authorities at the appropriate time and had in its place substituted it (Ext. G/2). He (R.W. 35), has however emphatically denied the suggestion about there being any diary other than this (Ext. G/2). If the petitioner was sure that he (R.W. 35) had actually prepared such a diary on which the first and second polling officers had signed he could have well got these polling officers into the witness box to testify to that effect. But no attempt appears to have been made by him to have even one of them as a witness on this point.

280. From the evidence of the District Magistrate (P.W. 43) it will appear that he had called for explanation from this Presiding Officer (R.W. 35) in connection with his above cancellation of votes during this election at this booth. The first explanation was called in his (P.W. 13) letter dated 30-4-1971 (Ext. 12/a). He (R.W. 35) submitted his explanation in pursuance thereof which is Ext. 11. That explanation, however, did not satisfy him (P.W. 43) as full facts were not there. Accordingly, by his letter dated 25-5-1971 (Ext. 12/b), he asked for his further explanation which he (R.W. 35) submitted in Ext. 11/a setting out the relevant facts in more details. Subsequently, the District Magistrate in his letter (Ext. 12) dated 12-6-1971 referred this matter to the Chief Electoral Officer, Bihar seeking his advice as to what should be done against him (R.W. 35) in this matter. As he (P.W. 43) has disclosed, he has not yet received any reply from the Chief Electoral Officer to his this letter. Ext. 10 is the copy of the telegram in which the District Magistrate as the Returning Officer had sought for Election Commission's instructions about the declaration of the result of this election in view of the allegations made regarding alleged tampering of the ballot box and the Presiding Officer's report about 100-150 miscreants' attempt to forcibly put in ballot papers which he (R.W. 35) had rejected. As he (P.W. 43) has said, in reply to that telegram the Election Commission had informed him to declare the result without counting the ballots of that box because the margin of votes secured by the two candidates was 28,705, and thereafter he declared result announcing the success of the respondent.

281. The fact of his (R.W. 35) having signed on the above 434 ballots which the petitioner has tried to use as a circumstances in favour of his allegation that they had been actually taken out subsequently by him (R.W. 35) he has tried to explain in paragraph 74 of his evidence. His statement is that he was made to sign on them individually within about one hour by force. He has also stated that the *hangama* regarding forcible seizure of those 434 ballots and their forcible stamping had taken place at about 3 P.M. on the poll day and that in course of that highhandedness those miscreants had tied mufflers in his neck and also in the neck of the polling officers and in that condition they had been made to part with them and also sign on them and then to tick-mark the relevant entries in the electoral rolls. He (R.W. 35) appears to have set out these instances in details in his aforesaid second explanation (Ext. 11/a) dated 30-5-1972.

282. The respondent (R.W. 47) has also emphatically denied the above allegations regarding his visit to this booth at about 5.30 P.M. that day and carrying of the polled ballot boxes in his jeep along with that officer and his polling agent Bishambhar Sharma. He has also unequivocally denied his having in any way tampered with ballot box by bringing the Presiding Officer in collusion and cancellation of above ballots of Thakur Yugal Kishore Singh. It may be mentioned here that there is no witness of the petitioner to assert that he had actually seen such tampering of the ballot box by the respondent or any of his men in collusion with the Presiding Officer, and in this regard he has mainly relied upon the aforesaid documents like the Presiding Officer's diary (Ext. G/2) ballot papers account (Ext. 15), paper seal account (Ext. 14), damaged paper seal (Ext. 20) and the above explanations called for by the District Magistrate. But, as I have already shown, they do not establish the truth of the petitioner's allegations in this matter

283. R.W. 13 (Bindeshwari Prasad Yadav), who is a practising advocate at Sitamarhi, had stated that on that poll day (1-3-1971) he had met Nagendra Prasad Yadav at his Sitamarhi house at about 5 or 5.30 P.M. The reason for this visit, according to him, was that he had heard about some firing incident at one booth and so he had gone to enquire from him about it. From his (R.W. 13) evidence it appears that he was interested in the respondent from before, and, as such, his going to meet him at about that time on hearing of such firing was not any improbability. His (R.W. 13) evidence is sought to be availed of to disprove the respondent's alleged presence at the Riga booth which was admittedly at about 7 miles from Sitamarhi (vide P.W. 42) at about 5.30 P.M. Similar are the statements of respondent's polling agent Durga Choudhary (R.W. 4) and the shop keeper Baijnath Mandal (R.W. 7). They have also said to have gone and met the respondent at his Sitamarhi house at about 5.30 P.M. that day. The respondent has examined his two polling agents at Majhaura booth, Ram Surat Singh and Bhola Singh (R.Ws. 15 and 29) as also the Gram Panchayat Mukhiya of Riga Durga Prasad Sah (R.W. 18) to say that Ram Sewak Singh (P.W. 33) was all along at Majhaura on that day. Similarly, R.W. 14 (Mahanath Ram Sewak Das) of village Riga has come forwarded to say that on that poll day (1-3-1971) after casting his vote at his village polling booth located in Prabhat Pustkalaya at about 10 or 11 A.M., he sent to Sitamarhi by train and while he was at Riga railway station to catch the train he met above Amar Jha (P.W. 28) at that railway station and both of them caught the train at Riga and went to Sitamarhi where he (Amar Jha) went to the office of the Socialist Party as he was in charge of this election of that party. His (R.W. 14) further statement is that that very evening he returned to Riga but Amar Jha did not return by that train from Sitamarhi.

284. Thus, having carefully considered all the above facts and circumstances, I have not hesitation to hold that the petitioner's case regarding this booth, as alleged, has no truth behind it and it must be disbelieved.

285. On my above findings regarding the different booths, as dealt with under this issue, it is manifest that the petitioner has singularly failed to establish the truth of his allegations regarding commission of corrupt practices in the manner alleged against the respondent, his election agent, or his supporters and workers with his consent. So also, is the case with his allegations regarding the result of respondent's

election having been materially affected for any such reasons. Accordingly, this issue is answered and decided against the petitioner.

Issue No. 5.

286. In view of my aforesaid findings on issue Nos. 3 and 4 it is clear that the petitioner is not entitled to any relief in this case, and his election petition must be dismissed, accordingly, the petitioner is held entitled to no relief in this case.

287. In the result, the election petition is dismissed with costs; hearing fee Rs. 500 (Rupees Five hundred). Let the substance of this decision be sent to the Election Commission of India and the Speaker of the House of Parliament soon and thereafter, as soon as possible, an authorised copy of this decision be sent to the Election Commission of India.

C. P. SINHA.

PATNA HIGH COURT:

The 4th October, 1972.

भारत निर्वाचन आयोग
नई दिल्ली, 10 जनवरी, 1973

आदेश

का. आ. 408.—यहतः निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 के हुए पश्चिमी बंगाल विधान सभा के निर्वाचन के लिए 279-नलहाटी निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री खौसल आलम, आम करीमपुर, पा. आ. नलहाटी, जिला बीरभूमि, पश्चिमी बंगाल लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन घनाए गए नियमों के बारा विधान आपेक्षित अपने निर्वाचन व्यवाहों का लेखा दाखिल करने में असफल रहे हैं।

आँ यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण तथा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायी-वित्त नहीं है;

अतः अब, उक्त अधिनियम की धारा 10—के अनुसार में निर्वाचन आयोग इसक्षेत्रार्था उक्त श्री खौसल आलम को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अधवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निर्वाचित घोषित करता है।

आदेश से,

[सं. प.ब.नीव.स./279/72(17)]

प. एन. सैन, सचिव

New Delhi, the 10th January, 1973

ORDER

S.O. 408.—WHEREAS the Election Commission is satisfied that Shri Khairul Alam, Village Karimpur, P.O. Nalhati, District Birbhum, West Bengal, a contesting candidate for election to the West Bengal Legislative Assembly from 279-Nalhati constituency, held in March, 1972 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure.

46 G of 1/72—6

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Khairul Alam to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB/LA/279/72(17)]

By Order,
A. N. SEN, Secy

विधि और न्याय भंगालप

(विधायी विभाग)

नई दिल्ली, 5 फरवरी, 1973

का. आ. 409.—डा. नगेन्द्र सिंह ने 6 फरवरी, 1973 के पूर्वाह्न से मृत्यु निर्वाचन आयुक्त का पद त्याग किया है।

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 5th February, 1973

S.O. 409.—Dr. Nagendra Singh has resigned from the office of the Chief Election Commissioner with effect from the forenoon of the 6th February, 1973.

का. आ. 410.—संविधान के अनुच्छेद 324 के खण्ड (2) के अनुसार में राष्ट्रपति अपने प्रसाव से 6 फरवरी, 1973 के पूर्वाह्न से श्री टी. स्वामीनाथन को मृत्यु निर्वाचन आयुक्त के पद पर नियुक्त करते हैं।

[सं.क-12026/6/72-प. 1 (वि. वि.)]

के. के. सुन्दरम. सचिव

S.O. 410.—In pursuance of clause (a) of article 324 of the Constitution, the President is pleased to appoint Shri T. Swaminathan, as the Chief Election Commissioner with effect from the forenoon of the 6th February, 1973.

[No. A.12026/6/72-Adm.I.(LD)]

K. K. SUNDARAM, Secretary.

(कम्पनी कार्य विभाग)

नई दिल्ली, 29 जनवरी, 1973

का. आ. 411.—एकाधिकार एवं निर्बन्धनकारी व्यापार प्रधा अधिनियम, 1969 (1969 का 54) की धारा 26 की उप-धारा (3) के अनुसार में, केंद्रीय सरकार इसक्षेत्रार्था मैर्सर्स हॉटेल नेशनल इन्स्टू-मैट्स प्राइवेट लि. के कार्यालय अधिनियम के अन्तर्गत पंजी-करण (पंजीकरण प्रमाण-पत्र संख्या 202/1970 दिनांक 23 अक्टूबर, 1970) के निरस्तीकरण के अधिकारीचित करती है।

[सं. 22/39/72-एम-2]

स. बलरामन, अवर सचिव

(Department of Company Affairs)

New Delhi, the 27th January, 1973

S.O. 411.—In pursuance of sub-section (3) of section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of registration of M/s INTERNATIONAL INSTRUMENTS PVT. LIMITED under the said Act (Certificate of Registration No. 202/1970 dated the 23rd October, 1970).

[F. No. 22/39/72-M(II)]

S. BALARAMAN, Under Secy.

(वित्त मंत्रालय, बैंकिंग विभाग)

रिजर्व बैंक ऑफ इंडिया

नई दिल्ली, 1 फरवरी, 1973

का. न्या. 412.—रिजर्व बैंक ऑफ इंडिया अधिनियम, 1934 के अनुमरण में जनवरी 1973 की 19 तारीख को समाप्त हुए सप्ताह के लिये लेखा इण्डिया विभाग

देयताएँ	रुपये	रुपये	प्रासिताएँ	रुपये	रुपये
बैंकिंग विभाग में रखे हुए			सोने का सिक्का और दुसियाः—		
नोट	18,02,98,000		(क) भारत में रखा हुआ	182,53,11,000	
संचलन में नोट	4943,01,94,000		(ख) भारत के बाहर रखा हुआ		
जारी किये गये कुल नोट	4961,04,92,000		विवेशी प्रतिभूतियाः	171,65,38,000	
कुल देयताएँ	4961,04,92,000		जोड़		354,18,49,000
			रुपये का सिक्का		17,52,08,000
			भारत सरकार की रुपया प्रति- भूतियाः		45,89,34,35,000
			वेशी विनियम विल और दूसरे वाणिज्य पत्र		
			कुल आस्तियाः		4961,04,92,000

तारीख : 24 जनवरी, 1973

एस० अग्रसाधन, गवर्नर

19 जनवरी 1973 को रिजर्व बैंक ऑफ इंडिया के बैंकिंग विभाग के कार्यालय का विवरण

देयताएँ	रुपये	प्रासिताएँ	रुपये
चुकाता पूँजी	5,00,00,000	नोट	18,02,98,000
प्रारक्षित निधि	150,00,00,000	रुपये का सिक्का	3,52,000
राष्ट्रीय कृषि ऋण		छोटा सिक्का	3,06,000
(दीर्घकालीन क्रियाएँ) निधि	209,00,00,000	खरीदे और भुनाये गये बिल	
राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि	45,00,00,000	(क) देशी	1,33,15,000
राष्ट्रीय ग्रामीणिक ऋण (दीर्घकालीन क्रियाएँ) निधि	175,00,00,000	(ख) विवेशी	
जमाराशियाः—		(ग) सरकारी खजाना बिल	225,97,88,000
(क) सरकारी		विवेशों में रखा हुआ बकाया	169,12,56,000
(i) केन्द्रीय सरकार	60,61,25,000	निवेश**	390,24,33,000
(ii) राज्य सरकारें	10,02,98,000	ऋण और अग्रिमः—	
(ख) बैंक		(i) केन्द्रीय सरकार को	
(i) अनुसूचित वाणिज्य बैंक	285,87,78,000	(ii) राज्य सरकारों को+	98,75,46,000
(i) अनुसूचित राज्य सहकारी बैंक	11,76,03,000	ऋण और अग्रिम	
(iii) गैर अनुसूचित राज्य सहकारी बैंक	1,04,53,000	(i) अनुसूचित वाणिज्य बैंक*	6,47,65,000
(iv) अन्य बैंक	41,07,000	(ii) राज्य सहकारी बैंकों**	300,22,71,000
		(iii) दूसरों को	4,83,89,000
		राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएँ) निधि से	
		ऋण, अग्रिम और निवेश	
(क) ऋण और अग्रिमः—		(i) राज्य सरकारों को	54,78,87,000
		(ii) राज्य सहकारी बैंकों को	24,23,98,000
		(iii) केन्द्रीय भूमिक्षणक बैंकों को	10,00,00,000
		(iv) कृषि पुनर्वितरण निगम को	
		(ख) केन्द्रीय भूमिक्षणक बैंकों के विवेशों में निवेश	11,23,62,000
		राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से ऋण और	
		अग्रिम राज्य सहकारी बैंकों को ऋण और अग्रिम	30,11,40,000
		राष्ट्रीय ग्रामीणिक ऋण (दीर्घकालीन क्रियाएँ) निधि से	
		ऋण, अग्रिम और निवेश	
(क) विकास बैंक को ऋण और अग्रिम		(i) विकास बैंक को ऋण और अग्रिम	93,26,94,000
(ख) विकास बैंक द्वारा जारी किये गये बोंडों /डिवेंचरों में निवेश		(ii) विकास बैंक द्वारा जारी किये गये बोंडों /डिवेंचरों में निवेश	
अन्य प्रासिताएँ	75,67,53,000	प्रासिताएँ	45,01,90,000
देय विल	62,17,75,000		
अन्य देयताएँ	392,14,98,000		1483,73,90,000
रुपये	1483,73,90,000	रुपये	

*तकदी, आवश्यक जमा और अल्पकालीन प्रतिभूतियां शामिल हैं।

**राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएँ) निधि और राष्ट्रीय ग्रामीणिक ऋण (दीर्घकालीन क्रियाएँ) निधि में से किये गये निवेश शामिल नहीं हैं।

(राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएँ) निधि से प्रदत्त ऋण और अग्रिम शामिल नहीं हैं, परन्तु राज्य सरकारों की दिये गये अस्थायी श्रोतुराष्ट्रपत शामिल हैं।

*रिजर्व बैंक ऑफ इंडिया अग्रिमियम की धारा 17(4)(ग) के अधीन अनुसूचित वाणिज्य बैंकों को भीयाशी विलों पर अग्रिम दिये गये 40,00,000 रुपये शामिल हैं।

**राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएँ) निधि और राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से प्रदत्त ऋण और अग्रिम शामिल नहीं हैं।

तारीख : 24 जनवरी, 1973

एस० अग्रसाधन, गवर्नर

[स०फा० 1/1/73-वी०ग्र००० I]

च०व० मीरजम्बानी, गवर्नर सचिव

MINISTRY OF FINANCE
(Department Of Banking)

New Delhi, the 1st February, 1973
 RESERVE BANK OF INDIA

S. O. 412.—An Account pursuant to the RESERVE BANK OF INDIA ACT, 1934, for the week ended the 19th day of January 1973
 ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department	18,02,98,000		Gold Coin and Bullion :—		
Notes in circulation	4943,01,94,000	4961,04,92,000	(a) Held in India	182,58,11,000	
Total Notes issued			(b) Held outside India	..	
			Foreign Securities	171,65,38,000	
			Total		354,18,49,000
			Rupee Coin		17,52,08,000
			Government of India		
			Rupee Securities		4589,34,35,000
			Internal Bills of Exchange and other commercial paper		
Total Liabilities	4961,04,92,000		Total assets		4961,04,92,000

S. JAGANNATHAN, Governor,

Dated the 24th day of January 1973

Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 19th January 1973

Liabilities	Rs.	Assets	Rs.
Capital Paid Up	5,00,00,000	Notes	18,02,98,000
Reserve Fund	150,00,00,000	Rupee Coin	3,52,000
National Agricultural Credit (Long Term Operations) Fund	209,00,00,000	Small Coin	3,06,000
National Agricultural Credit (Stabilisation) Fund	45,00,00,000	Bills Purchased and Discounted :—	
National Industrial Credit (Long Term Operations) Fund	175,00,00,000	(a) Internal	1,33,15,000
Deposits:—		(b) External	
(a) Government		(c) Government Treasury Bills	225,97,88,000
(i) Central Government		Balances Held Abroad*	169,12,56,000
(ii) State Governments	60,61,25,000	Investments**	390,24,33,000
(b) Banks	10,02,98,000	Loans and Advances to :—	
(i) Scheduled Commercial Banks	285,87,78,000	(i) Central Government	
(ii) Scheduled State Co-operative Banks	11,76,03,000	(ii) State Governments@	98,75,46,000
(iii) Non-Scheduled State Co-operative Banks	1,04,53,000	Loans and Advances to :—	
(iv) Other Banks	41,07,000	(i) Scheduled Commercial Banks†	6,47,65,000
(c) Others	75,67,53,000	(ii) State Co-operative Banks†	300,22,71,000
Bills Payable	62,17,75,000	(iii) Others	4,83,89,000
Other Liabilities	392,14,98,000	Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund	
		(a) Loans and Advances to :—	
		(i) State Governments	54,78,87,000
		(ii) State Co-operative Banks	24,23,98,000
		(iii) Central Land Mortgage Banks	
		(iv) Agricultural Refinance Corporation	10,00,00,000
		(b) Investment in Central Land Mortgage Bank Debentures Loans and Advances from National Agricultural Credit (Stabilisation) Fund	11,23,62,000
		Loans and Advances to State Co-operative Banks	
		Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund	
		(a) Loans and Advances to the Development Bank	
		(b) Investment in bonds/debentures issued by the Development Bank	93,26,94,000
		Other Assets	45,01,90,000
	1483,73,90,000		1483,73,90,000

*Includes Cash, Fixed Deposit and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

† Includes Rs. 43,00,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

S. JAGANNATHAN, Governor.

[No. F. 1(1)/73-B.O.I]

C. W. MIRCHANDANI, Under Secy.

Dated the 24th day of January 1973.

का. आ. 413.—रिजर्व बैंक ऑफ इंडिया प्रधिनियम, 1934 के प्रनुसरण में जनवरी 1973 की 26 तारीख को समाप्त हुए सप्ताह के लिए लेखा इन्हुंनी विभाग

वेयताएं	रुपये	रुपये	प्रासितयां	रुपये	रुपये
बैंकिंग विभाग में रखे हुए नोट	21,71,77,000		सोने का सिक्का और बुलियन :—		
संचलन में नोट	4915,47,29,000		(क) भारत में रखा हुआ	182,53,11,000	
			(ख) भारत के बाहर रखा हुआ	..	
			विदेशी प्रतिशुतियां	171,65,38,000	
जारी किये गये कुल नोट	4937,19,06,000		जोड़		
			रुपये का सिक्का		354,18,49,000
			भारत सरकार की कृपया प्रतिशुतियां		18,66,41,000
			देणी विनियम बिल प्रीर द्वासे		4564,34,16,000
कुल देयताएं	4937,19,06,000		वाणिज्य-पत्र		
			कुल प्रासितयां		4937,19,06,000

तारीख : 31 जनवरी, 1973

एस० जगन्नाथन, गवर्नर।

26 जनवरी, 1973 को रिजर्व बैंक ऑफ इंडिया के बैंकिंग विभाग के कार्यकलाप का विवरण

देयताएं	रुपये	प्रासितयां	रुपये
कुकता पूरी	5,00,00,000	नोट	2,71,77,000
प्रारक्षित निधि	150,00,00,000	रुपये का सिक्का	3,47,000
राष्ट्रीय कृषि अर्ण (वीर्धकालीन क्रियाएं) निधि	209,00,00,000	छोटा सिक्का	3,25,000
राष्ट्रीय कृषि अर्ण (स्थिरीकरण) निधि	45,00,00,000	खरीद और भुनाये गये बिल :	
राष्ट्रीय श्रोतोंगिक अर्ण (वीर्धकालीन क्रियाएं) निधि	175,00,00,000	(क) देशी	1,22,66,000
जमाराशिया :—		(ख) विदेशी	—
(क) सरकारी :		(ग) सरकारी अजाना बिल	198,47,93,000
(1) केन्द्रीय सरकार	55,65,86,000	विदेशों में रखा हुआ वकाया*	175,52,66,000
(2) राज्य सरकारें	10,65,92,000	निवेश**	402,74,69,000
(ख) बैंक :		अर्ण और प्रग्राम :—	
(i) अनुसूचित वाणिज्य बैंक	274,97,64,000	(i) केन्द्रीय सरकार को	—
(ii) अनुसूचित राज्य सहकारी बैंक	13,88,07,000	(ii) राज्य सरकारों को @	90,15,41,000
(iii) गैर अनुसूचित राज्य सहकारी बैंक	90,25,000	अर्ण और प्रग्राम :	
(iv) अन्य बैंक	40,48,000	(i) अनुसूचित वाणिज्य बैंकों को	6,79,45,000
		(ii) राज्य सहकारी बैंकों को ††	300,71,06,000
		(iii) दूसरों को	4,47,04,000
		राष्ट्रीय कृषि अर्ण (वीर्धकालीन क्रियाएं) निधि से अर्ण, प्रग्राम और निवेश :	
		(क) अर्ण और प्रग्राम :—	
		(i) राज्य सरकारों को	54,78,87,000
		(ii) राज्य सहकारी बैंकों को	24,09,21,000
		(iii) केन्द्रीय भवित्वाधक बैंकों को	—
		(iv) कृषि पुनर्वित्त निगम को	10,00,00,000
(ग) अन्य	72,00,40,000	(ख) केन्द्रीय भवित्वाधक बैंकों के डिवेचरों में निवेश	11,23,62,000
देय बिल	60,72,90,000	राष्ट्रीय कृषि अर्ण (स्थिरीकरण) निधि से अर्ण और प्रग्राम	
		राज्य सहकारी बैंकों को अर्ण और प्रग्राम	29,80,65,000
अन्य देयताएं	397,05,85,000	राष्ट्रीय श्रोतोंगिक अर्ण (वीर्धकालीन क्रियाएं) निधि से अर्ण, प्रग्राम और निवेश :	
		(क) विकास बैंक को अर्ण और प्रग्राम	93,26,94,000
		(ख) विकास बैंक द्वारा जारी किये गये बांडों/डिवेचरों में निवेश	—
		अन्य प्रासितयां	45,23,69,000
	रुपये 1470,32,37,000		रुपये 1470,32,37,000

*नकदी, प्रावधिक जमा और अल्पकालीन प्रतिशुतियां शामिल हैं।

**राष्ट्रीय कृषि अर्ण (वीर्धकालीन क्रियाएं) निधि और राष्ट्रीय श्रोतोंगिक अर्ण (वीर्धकालीन क्रियाएं) निधि में से किये गये निवेश शामिल नहीं हैं।

@राष्ट्रीय कृषि अर्ण (वीर्धकालीन क्रियाएं) निधि से प्रदत्त अर्ण और प्रग्राम शामिल नहीं हैं, परन्तु राज्य सरकारों को शिये गये प्रस्तावी श्रीवरद्वाप्त शामिल हैं।

†रिजर्व बैंक ऑफ इंडिया प्रधिनियम की धारा 17(4) के अधीन अनुसूचित वाणिज्य बैंकों को मीयावी बिलों पर प्रग्राम दिये गये 4,00,000 रुपये शामिल हैं।

††राष्ट्रीय कृषि अर्ण (वीर्धकालीन क्रियाएं) निधि और राष्ट्रीय कृषि अर्ण (स्थिरीकरण) निधि से प्रदत्त अर्ण और प्रग्राम शामिल नहीं हैं।

एस० जगन्नाथन, गवर्नर

[स० का० 1/1/73-बी० श०-I]

च० ब० मीरज़वाही, गवर्नर सचिव।

तारीख : 31 जनवरी, 1973

S. O. 413.—An Accounts pursuant to the RESERVE BANK OF INDIA ACT, 1935 for the week ended the 26th day of January 1973
ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	21,71,77,000		Gold Coin and Bullion:—		
Notes in circulation	4915,47,29,000		(a) Held in India	182,53,11,000	
Total Notes issued	4937,19,06,000		(b) Held outside India	..	
			Foreign Securities	171,65,38,000	
			TOTAL	354,18,49,000	
			Rupee Coin	18,66,41,000	
			Government of India		
			Rupee Securities	4564,34,16,000	
			Internal Bills of Exchange and other commercial paper		
Total Liabilities	4937,19,06,000		Total Assets	4937,19,06,000	

Dated the 31st day of January, 1973

S. JAGANNATHAN, Governor

Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 26th January 1973

LIABILITIES	ASSETS
Capital Paid Up	5,00,00,000 Notes 21,71,77,000
Reserve Fund	150,00,00,000 Rupee Coin 3,47,000
National Agricultural Credit (Long Term Operations) Fund	209,00,00,000 Small Coin 3,25,000
National Agricultural Credit Stabilisation Fund	45,00,00,000 Bills Purchased and Discounted:—
National Industrial Credit (Long Term Operations) Fund	175,00,00,000 (a) Internal 1,22,66,000 (b) External .. (c) Government Treasury Bills 198,47,93,000
Deposits:—	Balances Held Abroad* 175,52,66,000
(a) Government	Investments** 402,74,69,000
(i) Central Government	Loans and Advances to:—
(ii) State Governments	(i) Central Government 90,15,41,000 (ii) State Governments@ ..
(b) Banks	Loans and Advances to:—
(i) Scheduled Commercial Banks	(i) Scheduled Commercial Banks† 6,79,45,000 (ii) State Co-operative Banks‡ 300,71,06,000 (iii) Others 4,47,04,000
(ii) Scheduled State Co-operative Banks	Loans, Advances and Investments from National Agricultural Credit (Long Terms Operations) Fund
(iii) Non-Scheduled State Co-operative Banks	(a) Loans and Advances to:— (i) State Governments 54,78,87,000 (ii) State Co-operative Banks 24,09,21,000 (iii) Central Land Mortgage Banks .. (iv) Agricultural Refinance Corporation 10,00,00,000
(iv) Other Banks	(b) Investment in Central Land Mortgage Bank Debentures Loans and Advances from National Agricultural Credit (Stabilisation) Fund 11,23,62,000
(c) Others	Loans and Advances to State Co-operative Banks 29,80,65,000
Bills Payable	Loans, Advances and Investments from National Industrial Credit (Long Terms Operations) Fund
Other Liabilities	(a) Loans and Advances to the Development Bank 93,26,94,000 (b) Investment in bonds/debentures issued by the Development Bank ..
	Others Assets 45,23,69,0000
	1470,32,37,000
	1470,32,37,000

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Terms Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 40,00,000 advanced to scheduled commercial banks against usance bills under Section 17 (4) (c) of the Reserve Bank of India Act.

‡Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 1st day of January 1973

S. JAGANNATHAN, Governor

[No. F. 1(1)/73-B.O. I]

C. W. MIRCHANDANI, Under Secy.

नई दिल्ली, 3 फरवरी, 1973

का. आ. 414.—बैंकिंग विनियमम् अधिनियम, 1949 (1949 का 10वां) की धारा 53 इवारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उपर्युक्त अधिनियम की धारा 9 के उपबन्ध वीं बरली कार्पोरेशन (बैंक) द्वारा पर निम्नलिखित मामलों में 13 दिसम्बर, 1973 तक लागू नहीं होंगे।

(क) बैंक की फरस्तावाद स्थित अचल सम्पत्तियां।

(ख) युगलघाट, बन्दावन (जिला मथुरा) स्थित बैंक की मकानी जायदाद।

[सं. एफ. 15(3)-वी. आ. 3/73]

के. येसुरात्नम्, अवर सचिव

New Delhi, the 3rd February, 1973

S.O. 414.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India hereby declares that the provisions of section 9 of the said Act shall not apply to the Bareilly Corporation (Bank) Ltd., Bareilly,—

(a) in respect of the immovable properties held by it at Farrukhabad and

(b) in respect of the house property held by it at Jugalghat, Brindavan (District Mathura), till the 13th December, 1973.

[No. F. 15(3)-B.O. III/73]

K. YESURATNAM, Under Secy.

(राजस्व और सीमा विभाग)

नई दिल्ली, 11 जनवरी, 1973

आयकर

का. आ. 415.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खंड (44) के उपखण्ड (3) इवारा प्रकृत शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, श्री एन. वर्मा को, जो केन्द्रीय सरकार के राजपरिवत्र अधिकारी हैं, उक्त अधिनियम के अधीन कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए एतद्वारा प्राधिकृत करती है।

2. यह अधिसूचना 22 जनवरी, 1972 से प्रभावी होगी।

[सं. 261(फा. सं. 404/2/73-आई टी सी सी)]

एम. एन. नम्बियार, अवर सचिव

(Department of Revenue and Insurance)

New Delhi, the 11th January, 1973

S.O. 415.—In exercise of the powers conferred by sub-clause (iii) of Clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby authorises Shri L. N. Verma who is a Gazetted Officer of the Central Government to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from 22nd January, 1973.

[No. 261(F. No. 404/2/73-ITCC)]

M. N. NAMBIAR, Under Secy.

नई दिल्ली, 17 फरवरी, 1973

आदेश

स्टाम्प

का. आ. 416.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 के उपधारा (1) के खण्ड (ख) इवारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, स्टेट इण्डिस्ट्रियल कार्पोरेशन आफ महाराष्ट्र लिमिटेड, 'निर्मल' मुम्हई को, 1003 डिबैंचर प्रमाणपत्रों पर शरणार्थी राहत स्टाम्प महंथे उक्त अधिनियम के अधीन प्रभार्य एक सौ रुपये और तीस पैसे के समीक्ष स्टाम्प शुल्क का संदाय करने के लिए एतद्वारा अनुशा दृती है।

[सं. 6/72-स्टाम्प/फा. सं. 471/74/72-सीमा 7]

New Delhi, the 17th February, 1973

ORDER
STAMPS

S.O. 416.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the State Industrial and Investment Corporation of Maharashtra Limited, 'Nirmal' Bombay, to pay consolidated stamp duty on one hundred rupees and paise thirty chargeable on account of Refugee Relief Stamp on 1003 Debenture certificate, under the said Act.

[No. 6/72-Stamps/F. No. 471/74-72Cus VII]

(केन्द्रीय उत्पाद-शुल्क और सीमा शुल्क बोर्ड)

नई दिल्ली, 17 फरवरी, 1973

शुद्धिधरण

का. आ. 417.—भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (2), तारीख 15 जनवरी, 1972 के पृष्ठ 521 पर एस. आ. 307 के रूप में प्रकाशित भारत सरकार के केन्द्रीय उत्पाद-शुल्क और सीमा-शुल्क बोर्ड की सं. 15/72-सीमा-शुल्क/फा. सं. 473/109/71-सी. श. 7, तारीख 15 जनवरी, 1972 वाली अधिसूचना में,—“पिहार राज्य में पटना और मुगलसराय को” पढ़ें।

[फा. सं. 473/109/71-सीमा 7]

के. शंकररामन, अवर सचिव

(Central Board of Excise and Customs)

New Delhi, the 17th February, 1973

CORRIGENDUM

S.O. 417.—In the notification of the Government of India, in the Central Board of Excise and Customs bearing No. 15/72-Customs/F. No. 473/109/71-Cus. VII dated 15th January, 1972 published as S.O. No. 307 on page 521 of the Gazette of India, Part II, section 3, sub-section (ii) dated the 15th January, 1972—for “Patna and Mughalsarai in the State of Bihar” “read” Patna in the State of Bihar and Mughalsarai in the State of Uttar Pradesh”.

[F. No. 473/109/71-Cus. VII]

K. SANKARAMAN, Under Secy.

(केन्द्रीय प्रस्ताव कर बोर्ड)

नई दिल्ली, 30 नवम्बर, 1972

आयकर

का. आ. 418.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) इवारा प्रदत्त शक्तियों का और उस निमित्त उत्पाद समर्थ बनाने वाली सभी अन्य शक्तियों का प्रयोग करते हुए और बोर्ड की अधिसूचना सं. 98(फा. सं. 261/17/72-आई टी जे, तारीख 31 मई 1972 को भागत) उपान्तरित

करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड एतत्कारा निदेश देता है कि नीचे की अनुसूची के स्तम्भ (1) में विनिर्दिष्ट रेंजों के सहायक आयकर आयुक्त (अपील), उसके स्तम्भ (2) में की सत्स्थानी प्रविष्ट में विनिर्दिष्ट आयकर अधिकारियों द्वारा आयकर सर्किलों में आयकर या अधिकर के लिए निर्धारित सभी व्यक्तियों और आयों के बारे में अपने वृत्त्यों का पालन करेंगे :—

अनुसूची

रेंज	आयकर सर्किल और आयकर अधिकारी
(1)	(2)
3. सहायक आयुक्त (अपील), मैसूर रेंज (मुख्यालय). मैसूर	1. मैसूर सर्किल 2. मंगलौर सर्किल 3. उदोपो सर्किल 4. कुर्ग सर्किल 5. मंड्या सर्किल 6. चन्नपटना सर्किल 7. बंगलौर सर्किल (पूराना) के आयकर अधिकारियों द्वारा आयकर अधिनियम के अधीन पारित किए गए आदेशों की बाबत। 8. विशेष सर्वेक्षण सर्किल, बंगलौर 9. हसन सर्किल 10. चिकमगलूर सर्किल 11. येतन सर्किल, बंगलौर 12. शिमोगा सर्किल
6. सहायक आयुक्त (अपील), धाराबाह रेंज, (मुख्यालय), हुबली।	1. हुबली सर्किल 2. धाराबाह सर्किल 3. गडग सर्किल 4. कर्बाह सर्किल
6. सहायक आयुक्त (अपील), बेलरी रेंज (मुख्यालय), बेलरी।	1. वेखरी सर्किल 2. हासपेट सर्किल 3. रायचूर सर्किल 4. गुलबर्ग सर्किल 5. दंवनगीर सर्किल 6. चित्रदुर्ग सर्किल 7. गीजापुर सर्किल 8. बंगलकट सर्किल।

जहाँ हस अधिसूचना द्वारा कोई आयकर सर्किल, वार्ड या जिला या उसका कोई भाग एक रेंज से दूसरे रेंज को अन्तरित हो गया हो वहाँ उस आयकर सर्किल, वार्ड या जिले या उसके किसी भाग में किए गए निर्धारणों के परिणामस्वरूप की गई अपीलें, जो इस अधिसूचना की तारीख से ठीक पहले उस रेंज के, जिससे वह आयकर सर्किल, वार्ड या जिला या उसका कोई भाग अन्तरित कर दिया गया है, सहायक आयुक्त (अपील) के समक्ष लिभित थीं, इस अधिसूचना के प्रभावी होने की तारीख से उस रेंज के, जिसके उक्त सर्किल, वार्ड, या जिला या उसका कोई भाग अन्तरित कर दिया गया है, सहायक आयकर आयुक्त (अपील) को अन्तरित कर दी जाएंगी, जो उनके सम्बन्ध में कार्रवाही करेगा।

[सं. 234 (फा. सं. 261/17/72-आई टी. जे)]

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 30th November, 1972.

INCOME TAX

S.O. 418.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf and in partial modification of Board's Notification No. 98. (F. No. 261/17/72-ITJ) dated 31st May, 1972 the Central Board of Direct Taxes hereby directs that the Appellate Assistant Commissioner of Income-tax of the Ranges specified in Col. (1) of the Schedule below shall perform their functions in respect of all persons and incomes assessed to Income-tax or Super-tax in the Income-tax Circles by the Income Officers specified in the corresponding entry in Col. (2) thereof:—

SCHEDULE

Range	Income-tax Circles & Income-tax Officers
3. A.C.C., Mysore Range, (Hq. Qrs.), Mysore.	1. Mysore Circle. 2. Mangalore Circle. 3. Udupi Circle. 4. Coorg Circle. 5. Mandya Circle. 6. Channapatna Circle. 7. In respect of orders passed under the Income-tax Act by the I.T.Os. of Bangalore Circle (Old.) 8. Special Survey Circle, Bangalore. 9. Hassan Circle 10. Chickmagalur Circle. 11. Salary Circle, Bangalore. 12. Shimoga Circle.
5. A.A.C. Dharwar Range, (Hq. Q.s.) Hubli.	1. Hubli Circle. 2. Dharwar Circle. 3. Gadag Circle. 4. Karwar Circle.
6. A.A.C., Bellary Range, (Hq. Qrs.), Bellary.	1. Bellary Circle. 2. Hospet Circle. 3. Raichur Circle. 4. Gulbarga Circle. 5. Davangere Circle. 6. Chitradurga Circle. 7. Bijapur Circle. 8. Bagalkot Circle.

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this Notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle, Ward, District or part thereof and pending immediately before the date of this Notification before the Appellate Assistant Commissioner of Range from whom the Income-tax Circle, Ward or District or part thereof is transferred to and dealt with by the Appellate Assistant Commissioner of Income-tax of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This Notification shall take effect from 1st December, 1972.

[No. 234 (F. No. 261/17/72-ITJ)]

नई दिल्ली, 4 दिसम्बर, 1972

का. आ. 419.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रबल्ल शाकितयों का और उस निमित्त उसके समर्थ बनाने वाली सभी अन्य शाकितयों का प्रदोग करते हुए और इस सम्बन्ध में सभी पूर्व अधिसूचनाओं को असीष्ट करते हुए केन्द्रीय प्रत्यक्ष कर बोर्ड एतत्कारा निदेश देता है कि नीचे की अनुसूची के स्तम्भ (1) में विनिर्दिष्ट रेंजों के सहायक आयकर आयुक्त (अपील), उसके स्तम्भ (2) में और तत्स्थानी प्रविष्ट में विनिर्दिष्ट आयकर सर्किलों वार्डों और जिलों में आयकर या अधिकर के लिए निर्धारित सभी व्यक्तियों और आयों के बारे में अपने कृत्यों का पालन करेंगे :—

अनुसूची

रेंज (1)	आयकर सर्किल, वार्ड और ज़िले (2)
1. केन्द्रीय रेंज—1, मुम्बई	आयकर अधिकारियाँ, अनुभाग 1, 2, 4, 8, 12, 13, 14, 16, 18 और 20 (केन्द्रीय) मुम्बई के अधिकारियाँ के अधीन सभी मामले।
2. केन्द्रीय रेंज—2, मुम्बई।	आयकर अधिकारियाँ, अनुभाग 3, 5, 6, 9, और 11 (केन्द्रीय) मुम्बई की अधिकारियाँ के अधीन सभी मामले।
3. केन्द्रीय रेंज—3, मुम्बई।	आयकर अधिकारियाँ, अनुभाग 7, 10, 15, 17, 19, 21, 22 और 23 (केन्द्रीय), मुम्बई और केन्द्रीय सर्किल 1 और 2, अहमदाबाद की अधिकारियाँ के अधीन सभी मामले।
4. केन्द्रीय रेंज, नागपूर	आयकर अधिकारियाँ (केन्द्रीय) सर्किल—1, 2, 3, 4, और 5 नाग- पूर की अधिकारियाँ के अधीन सभी मामले।

जहाँ इस अधिसूचना क्षेत्राकोई आयकर सर्किल, वार्ड या ज़िला या उसका कोई भाग एक रेंज से चूसरे रेंज को अन्तरित हो गया हो वहाँ उस आयकर सर्किल, वार्ड या ज़िले या उसके किसी भाग में किए गए निधारियाँ के परिणामस्वरूप की गई अपीलें, जो इस अधिसूचना की तारीख से ठीक पहले उस रेंज के, जिससे वह आयकर सर्किल, वार्ड या ज़िला या उसका कोई भाग अन्तरित कर दिया गया है, सहायक आयकर (अपील) के समक्ष लम्बित थीं, इस अधिसूचना के प्रभावी होने की तारीख से उस रेंज के, जिसके उक्त सर्किल, वार्ड या ज़िला या उसका कोई भाग अन्तरित कर दिया गया है, सहायक आयकर (अपील) को अन्तरित कर दी जाएंगी, जो उनके समन्ध में कार्यवाही करेगा।

यह अधिसूचना 7 दिसम्बर, 1972 से प्रभावी होगी।

[सं. 235 (फा. सं. 261/20/72-आईटी. डी. जे.)]

New Delhi, the 4th December, 1972.

S.O. 419.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf and in supersession of all previous Notifications in this regard, the Central Board of Direct Taxes, hereby directs that the Appellate Assistant Commissioners of Income-tax specified in Column (1) of the Schedule below shall perform their functions in respect of all persons and incomes assessed to Income-tax or Super-tax in the Income-tax Circles, wards and Districts specified in the corresponding entry in Column (2) thereof:—

SCHEDULE

Range 1	Income-tax Circle, Wards and Districts 2
1. Central Range-I Bombay.	All cases under the jurisdictions of Income-tax Officers, Sections, I, II, IV, VIII, XII, XIII, XIV, XVI, XVIII and XX (Central) Bombay.
2. Central Range-II, Bombay.	All cases under the jurisdictions of Income-tax Officers, Sections III, V, VI, IX and XI (Central) Bombay.

- | 3. Central
Bombay. | Range-II.
All cases under the jurisdictions
of Income-tax Officers, Sec-
tion VII, X, XV, XVII,
XIX, XXI, XXII and XXIII
(Central), Bombay and Cen-
tral Circle I and II, Ahme-
dabad. |
|---------------------------|---|
| 4. Central Range, Nagpur. | All cases under the jurisdic-
of Income-tax Offl
(Central) Circle-I, II,
IV and V, Nagpur. |

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this Notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this Notification before the Appellate Assistant Commissioner of Range from whom the Income-tax Circle, Ward or District or part thereof is transferred shall, from the date this Notification takes effect, be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This Notification shall take effect from 7th December, 1972.

[No. 235 (F. No. 261/20/72-ITJ)]

का. आ. 420.—आयकर अधीनियम, 1961 (1961 का 43) को धारा 122 को उपधारा (1) क्षेत्राका प्रदत्त शक्तियाँ का और उस निमित्त उसको समर्थ बनाने वाली सभी अन्य शक्तियाँ का प्रयोग करते हुए और बोर्ड की अधिसूचना सं 123 (फा. सं. 281/9/72-आईटी. डी. जे.), तारीख 26 जून, 1972 को भागत: उपान्तरित करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड एतक्षेत्रानिवेश देता है कि नीचे की अनुसूची के स्तरम् (2) में विनिर्दिष्ट रेंजों के सहायक आयकर आयकर (अपील), उसके स्तरम् (3) में को तत्त्वानी प्रविधि में विनिर्दिष्ट आयकर सर्किल, वार्ड और ज़िलों में आयकर या अधिकर के लिए निधारित सभी व्यक्तियाँ और आयकर के बारे में अपने कृत्यों का पालन करेंगे:—

अनुसूची

कम सं. रेंज (1)	आयकर वार्ड/सर्किल और ज़िला (2)	(3)
9. विशेष रेंज—7, मुम्बई।	केवल कम्पनी सर्किल 2(1), 2(3) और 2(5) में के आयकर अधिकारी की अधिकारिता।	
10. विशेष रेंज—8, मुम्बई।	1. कम्पनी सर्किल 2(7), 2(8) और 2(10) में के आयकर अधिकारी की अधिकारिता।	
	2. क-1 वार्ड, मुम्बई के पहले, चूसरे, तीसरे, चौथे, पांचवे और छठे आयकर अधिकारी की अधि- कारिता।	
	3. ग-1 वार्ड, मुम्बई के पहले, लीसरे, पांचवे और आठवें आयकर अधिकारी की अधिकारिता।	

(1)	(2)	(3)
23. विशेष रंज 17, मुम्बई।	2(1), 2(3), 2(5), 2(7), 2(8) और 2(10) के छोड़कर कम्पनी सर्किल- 2 में के सभी आयकर अधिकारी की अधिका- रिता।	आठों आयकर अधिकारी की अधिकारिता

जहां हस अधिसूचना कोई आयकर सर्किल, वार्ड या जिला या उसका कोई भाग एक रंज से दूसरे रंज को अन्तरित हो गया हो वहां उस आयकर सर्किल, वार्ड या जिले या उसके किसी भाग में किए गए निधरिणों के परिणामस्वरूप की गई अपीलों, जो हस अधिसूचना की तारीख से ठीक पहले उस रंज से, जिससे वह आयकर सर्किल, वार्ड या जिला या उसका कोई अन्तरित कर दिया गया है, सहायक आयुक्त (अपील) के समक्ष लीजिए थीं, हस अधिसूचना के प्रभावी तारीख से उस रंज के जिसकी उक्त सर्किल, वार्ड या जिला या उसका कोई भाग अन्तरित कर दिया गया है, सहायक आयुक्त (अपील) को अन्तरित कर दी जाएंगी, जो उनके सम्बन्ध में कार्यवाही करेगा।

यह अधिसूचना 7 विसम्बर, 1972 से प्रभावी होगी।

[सं. 238 (फा. सं. 261/9/72-आई टी. जे)]

New Delhi, the 4th December, 1972

INCOME TAX

S.O. 420.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf and in partial modification of Board's Notification No. 123 (F. No. 261/9/72-ITJ) dated 26-6-1972 the Central Board of Direct Taxes hereby directs that the Appellate Assistant Commissioner of Income-tax of the Ranges specified in Column (2) of the Schedule below shall perform their functions in respect of all persons and incomes assessed to Income-tax or Super-tax in the Income-tax Circles, Wards and Districts, specified in the corresponding entry in Column 3 thereof:

SCHEDULE

Sl. No.	Range	Income-tax Ward/Circle and District	3
1	2		
9. Special Bombay.	Range V-II,	Companies Circle II(1), II(3) and II(5) I.T.Os. Charges only.	
10. Special Bombay.	Range-VIII,	1. Companies Circle II(7), II(8) and II(10) I.T.Os. Charges. 2. 1st, 2nd, 3rd, 4th, 5th and 6th I.T.Os. Charges of A-I Ward Bombay. 3. 1st, 3rd, 5th and 8th I.R.T.Os. Charges of C-I Ward, Bombay.	
23. Special Bombay.	Range XVII,	All I.T.Os. in Companies Cir- cle-II excepting II(1), II(3), II(5), II(7), II(8) and II(10) Charges.	

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this Notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle Ward, or District or part thereof and pending immediately before the date of this Notification before the Appellate Assistant Commissioner of Range from whom the Income-tax Circle, Ward or District or part thereof is transferred shall, from the date this Notification shall take effect, be transferred to and dealt with by the

Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This Notification shall take effect from 7th December, 1972.

[No. 236 (F. No. 261/9/72-ITJ)]

नई दिल्ली, 11 विसम्बर, 1972

आयकर

का. आ. 421.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उधारा (1) इतारा प्रदत्त शर्कराओं का और उस निमित्त उसको समर्थ बनाने वाली सभी अन्य शर्कराओं का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड, अपनी अधिसूचना सं. 49(261/13/72-आई टी. जे), तारीख 4-3-1972 से ज्यादात, समय-समय पर थथा संशोधित, अनुसूची में इन्वेस्टिगेशन संशोधन करता है, अधिकृत:—

उक्त अनुसूची में:—

(1) 'क ट'—रंज, कलकत्ता के सामने निम्नलिखित रक्त जाएगा:—

1. विशेष सर्वेक्षण सर्किल-2, कलकत्ता।

2. जिला - 4(3) (क से च - चार्ट्स से फिल्म), कलकत्ता।

(2) 'आसनसोल' रंज, आसनसोल के सामने निम्नलिखित रक्त जाएगा:—

1. आयकर सर्किल, आसनसोल, आसनसोल।

2. आयकर सर्किल, बंकुरा पूर्लीलिया, पूर्लीलिया।

जाएगा:—

(3) 'बर्द्वान' रंज, बर्द्वान के सामने निम्नलिखित रक्त।

1. आयकर सर्किल, बर्द्वान, बर्द्वान।

2. आयकर सर्किल, बीरभूम, सूरी।

(4) 'क ण' रंज, कलकत्ता के सामने निम्नलिखित रक्त जाएगा:—

1. आयकर सर्किल, सावड़ा (ण, छ और ज-वार्ड), कलकत्ता।

2. विशेष सर्किल-7, कम्पमी जिला-4, कलकत्ता।

3. विशेष सर्किल-8, कम्पनी जिला-4, कलकत्ता।

4. विशेष सर्वेक्षण सर्किल-9 कलकत्ता।

5. आयकर सर्किल, मुशिरियाबाद, बरहमपुर।

यह अधिसूचना 15-12-1972 से प्रभावी होगी।

[सं. 239 (फा. सं. 261/13/72-आई टी. जे)]

New Delhi, the 11th December, 1972.

INCOME-TAX

S.O. 421.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf the Central Board of Direct Taxes hereby makes the following amendments in the Schedule appended to its Notification No. 49 (261/13/72-ITJ) dated 4-3-1972 as amended from time to time viz.,

In the said Schedule against:—

I. 'AK'—Range, Calcutta, following shall be substituted:—

1. Special Survey Circle-II, Calcutta.

2. District-IV(3) (Other than A to F—Wards), Calcutta.

II. 'Asansol' Range, Asansol, following shall be substituted:—

1. Income-tax Circle, Asansol, Asansol.

2. Income-tax Circle, Bankura-Purulia, Purulia.

III. 'Burdwan' Range, Burdwan, following shall be substituted:—

1. Income-tax Circle, Burdwan, Burdwan.

2. Income-tax Circle, Birbhum, Suri.

IV. 'AO' Range, Calcutta, following shall be substituted:—

1. Income-tax Circle, Howrah (F, G & H-Wards), Calcutta.

2. Special Circle-VII, Comp. Dist.-IV, Calcutta.

3. Special Circle-VIII, Comp. Dist.-IV, Calcutta.

4. Special Survey Circle-IX, Calcutta.

5. Income-tax Circle, Murshidabad, Berhampore.

This Notification shall take effect from 15-12-1972.

[No. 239 (F. No. 261/13/72-ITJ)]

नई दिल्ली, 28 दिसम्बर, 1972

का. आ. 422.—आयकर अधीनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों का और उस निमित्त उसको समर्थ बनाने वाली सभी अन्य शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड, अपनी अधिसूचना सं. 95(फा. सं. 261/6/72-आई टी जे) तारीख 29 मई, 1972 से उपबद्ध अनुसूची में एतत्कारा निम्नलिखित संस्थाधन करता है, अर्थात् :—

उक्त अनुसूची में, घरेलू, मद्रास, सलैम रेंज, सलैम, 'क' रेंज, मदुराई और 'ख' रेंज, मदुराई के सामने, सत्रम्भ 1 और 2 के नीचे क्रमशः निम्नलिखित खाल जाएगा, अर्थात् :—

'घ' रेंज, मद्रास
सलैम रेंज, सलैम

1. नगर सर्किल 4, मद्रास
2. सलैम सर्किल ।
3. कम्पनी सर्किल, सलैम ।
4. सर्किल 2, सलैम ।
5. विस्थनगर सर्किल ।

'क' रेंज, मदुराई ।

1. कम्पनी सर्किल, मदुराई ।
2. कराईकुड़ी सर्किल (सभी अनुभाग)
3. रामनाथपुरम सर्किल ।
4. सम्पदा शुल्क एवं आयकर सर्किल, मदुराई
5. विस्थनगर सर्किल ।
6. विशेष सर्किल, मदुराई ।

'ख' रेंज, मदुराई ।

1. मदुराई सर्किल ।
2. विशेष सर्वेक्षण सर्किल, मदुराई ।
3. विलोनलवली सर्किल ।
4. तृतीकीरित सर्किल ।
5. नागर काइल सर्किल ।

यह अधिसूचना 1 जनवरी, 1973 से प्रभावी होगी ।

[सं. 250 (फा. सं. 261/6/72-आई टी जे)]
पी. कै. शारन, अवर सचिव

New Delhi, the 28th December, 1972

S.O. 422.—In exercise of the powers conferred by Sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct taxes hereby makes the following amendments in the Schedule appended to its Notification No. 95(F. No. 261/6/72-ITJ) dated the 29th May, 1972, namely:

In the said Schedule against 'D' Range, Madras, Salem Range, Salem, 'A' Range, Madurai and 'B' Range, Madurai under columns 1 and 2, the following shall be respectively substituted, namely:—

'D' Range, Madras.

Salem Range, Salem.

1. City Circle IV, Madras.
2. Salem Circle.
3. Company Circle, Salem.
4. Circle I, Salem.
5. Circle II, Salem.
6. Vellore Circle.

'A' Range, Madurai

1. Company Circle, Madurai.
2. Karaikudi Circle (all Sections).
3. Ramanathapuram Circle.
4. Estate Duty-cum-Income-tax Circle, Madurai.
5. Virudhunagar Circle.
6. Special Circle, Madurai.
1. Madurai Circle.
2. Special Survey Circle, Madurai.
3. Tirunelveli Circle.
4. Taticorin Circle.
5. Nagercoil Circle.

'B' Range, Madurai

This notification shall take effect from 1st January, 1973

[No. 250(F. No. 261/6/72-ITJ)]
P. K. SHARAN, Under Secy.

नई दिल्ली, 1 जनवरी, 1973

विषय.—आयकर अधीनियम, 1961 की धारा 271 और 273 के अधीन शास्त्रीयता प्रयोग करते हुए अपने आदेश, फा. सं. 234/41/72-आई टी (आई एन वी), तारीख 30 अगस्त, 1972 के आशिक उपान्तरण में, केन्द्रीय प्रत्यक्ष कर बोर्ड एतत्कारा यह निर्दिष्ट करता है कि उक्त आदेश के पैरा 1 के खण्ड (2) में, "1973 की जनवरी का प्रथम विन" शब्द, अक्षरों और अंकों, जहाँ कहीं भी वे आते हों, के स्थान पर "1973 के मार्च का प्रथम दिन" शब्द, अक्षर और अंक रखे जाएंगे ।

[फा. सं. 284/41/72-आई टी (आईएनवी)]

जे. रामा अच्युत, सचिव

New Delhi, the 1st January, 1973

SUBJECT:—Penalty under sections 271 and 273 of the Income-tax Act, 1961—Not to initiate proceedings in certain cases.

Order under section 119(2)(a) of the Income-tax Act, 1961 :

S.O. 423.—In exercise of the powers conferred by clause (a) of sub-rule (2) of section 119 of the income-tax Act, 1961 (43 of 1961), and all other powers enabling it in this behalf, and in partial modification of its Order F. No. 284/41/72-IT(Inv), dated 30th August, 1972, the Central Board of Direct Taxes hereby directs that, in clause (ii) of paragraph 1 of the said Order, for the words, letters and figures "1st day of January, 1973", wherever they occur, the words, letters and figures "1st day of March, 1973" shall be substituted.

[F. No. 284/41/72-IT(Inv)]
J. RAMA IYER, Secy.

केन्द्रीय उत्पादन शुल्क समाहतालय

इलाहाबाद, 21 नवम्बर, 1972

का. आ. 424.—केन्द्रीय उत्पादन शुल्क नियम, 1944 के नियम 5 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मौजूदा एतत्कारा, इलाहाबाद केन्द्रीय उत्पादन शुल्क समाहतालय के उन

अधिकारियों को जिनका पद केन्द्रीय उत्पादन शुल्क के सहायक समाहर्ता से कम न हो, उनके अपने कार्यक्षेत्रों में केन्द्रीय उत्पादन शुल्क नियम, 1944 के नियम 173-एल के अधीन समाहर्ता की उन शारीकतयों का प्रयोग करने के लिए प्राधिकृत करता है, जो पूर्वोक्त नियमों में विविच्छिन्न सीमा तक और शर्तों/प्रतिबंधों के अधीन कारखानों के बापस किए गए माल पर उत्पादन शुल्क की वापसी से संबंधित है।

[सं. 1/केज़/72]

एम. बी. एन. राव, समाहर्ता

CENTRAL EXCISE COLLECTORATE

Allahabad, the 21st November, 1972

S.O. 424.—In exercise of the powers conferred by Rule 5 of the Central Excise Rules, 1944, I hereby authorise the officers not below the rank of an Assistant Collector of Central Excise in the Allahabad Central Excise Collectorate, to exercise within their respective jurisdictions, the powers of the Collector under Rule 173 L of the Central Excise Rule 1944, in regard to refund of duty on goods returned to Factory to the extent and subject to the conditions/Limitations specified in the aforesaid rule.

[No. 1/CE/72]

M. V. N. RAO, Collector.

विद्युत व्यापार मन्त्रालय

नई दिल्ली, 29 जनवरी, 1973

का. आ. 425.—चाय नियम 1954 के नियम 4 तथा 5 के साथ परिवर्त चाय अधिनियम, 1953 (1953 का 29) की धारा 4 की उपधारा (3) के खण्ड (क) इतारा प्रदृष्ट शारीकतयों का प्रयोग करते हुए केन्द्रीय सरकार श्री ए. डी. पिक्सॉक के पद त्याग करने पर उनके रिक्त स्थान पर श्री के. जे. तन्ना, ग्लेनमोर्गन स्टॉट, ग्लेनमोर्गन पो. आ., नीलगिरी के चाय बोर्ड के एक सदस्य के रूप में एक्सेसरा नियुक्त करती है और भारत सरकार के विदेश व्यापार मन्त्रालय की अधिसूचना सं. का.आ. 288(इ) दिनांक 13 अप्रैल, 1972 में निम्नांकित और आगे संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में क्रमांक 9 तथा उससे सम्बद्ध प्रविधि के स्थान पर निम्नांकित क्रमांक रखा जाएगा ; अर्थात् :—

"9. श्री के. जे. तन्ना, ग्लेनमोर्गन एस्टॉट ग्लेनमोर्गन पो. आ., नीलगिरी, तामिलनाडू।"

[सं. ई-12012(1)/71-प्लांट/ए]

MINISTRY OF FOREIGN TRADE

New Delhi, the 29th January, 1973

S.O. 425.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 4 of the Tea Act, 1953 (29 of 1953), read with rules 4 and 5 of the Tea Rules, 1954, the Central Government hereby appoints Shri K. J. Tanna, Glenmorgan Estate, Glenmorgan P.O. Nilgiris as a member of the Tea Board in the vacancy cause by the resignation of Shri A. D. Peacock and makes the following further amendment to the notification of the Government of India in the Ministry of Foreign Trade No. S.O. 288(E) dated the 13th April, 1972 namely :—

In the said notification, for serial No. 9 and the entry relating thereto, the following serial No. shall be substituted, namely :—

"9.—Shri K. J. Tanna, Glenmorgan Estate, Glenmorgan P.O. Nilgiris, Tamil Nadu."

[No. E. 12012(1)/71-Plant(A)]

नई दिल्ली, 30 जनवरी, 1973

(इलायची नियन्त्रण)

का. आ. 426.—इलायची नियम, 1966 के नियम 3 तथा 5 के साथ परिवर्त इलायची अधिनियम, 1965 (1965 का 42) की धारा 4 की उपधारा 3 के खण्ड (घ) के अनुसरण में, केन्द्रीय सरकार श्री एन. एन. मल्हन के स्थान पर एल. एन. एकलानी, नियंत्रक विदेश व्यापार मन्त्रालय, नई दिल्ली को, इलायची बोर्ड के एक सदस्य के रूप में एक्सेसरा नियुक्त करती है और भारत सरकार के विदेश व्यापार मन्त्रालय की अधिसूचना सं. का.आ. 419(इ) दिनांक 12 जून 1972 में निम्नांकित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना के अन्तर्गत सारणी में, क्रमांक (4) के सामने दी गई प्रविधि के स्थान पर निम्नांकित प्रविधि की जाएगी, अर्थात् :—

"श्री एल. एन. सकलानी, नियंत्रक, विदेश व्यापार मन्त्रालय, नई दिल्ली।"

[29(1)-प्लांट(बी)/72]

New Delhi, the 30th January, 1973

(CARDAMOM CONTROL)

S.O. 426.—In pursuance of clause (d) of sub-section (3) of section 4 of the Cardamom Act, 1965 (42 of 1965), read with rules 3 and 5 of the Cardamom Rules, 1966, the Central Government hereby appoints Shri L. N. Saklani, Director, Ministry of Foreign Trade, New Delhi, as a member of the Cardamom Board, vice Shri N. N. Malhan, and makes the following amendment in the notification of the Government of India in the Ministry of Foreign Trade No. S.O. 419(E) dated the 12th June, 1972, namely :—

In the Table under the said notification, for the entry against serial No. (4), the following entry shall be substituted, namely :—

"Shri L. N. Saklani, Director, Ministry of Foreign Trade, New Delhi."

[No. 29(1) Plant(B)/72]

का. आ. 427.—इलायची नियम, 1966 के नियम, 3 तथा 5 के साथ परिवर्त इलायची अधिनियम, 1965 (1965 का 42) की धारा 4 की उपधारा (3) के खण्ड (ह.) के अनुसरण में, केन्द्रीय सरकार सचिव, मौसूर सरकार, कृषि तथा वन विभाग के स्थान पर उद्यान-कृषि-नियंत्रक, मौसूर सरकार, बंगलौर को इलायची बोर्ड के एक सदस्य के रूप में एक्सेसरा नियुक्त करती है तथा भारत सरकार के विदेश व्यापार मन्त्रालय की अधिसूचना सं. का.आ. 419(इ) दिनांक 12 जून, 1972 में निम्नांकित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना के अन्तर्गत सारणी में, क्रमांक (3) के सामने दी गई प्रविधि के स्थान पर निम्नांकित प्रविधि की जाएगी, अर्थात् :—

"उद्यान-कृषि-नियंत्रक,
मौसूर सरकार,
बंगलौर।"

[29(1)-प्लांट(बी)/72]

एस. महावेश अय्यर, अवर सचिव

S.O. 427.—In pursuance of clause (e) of sub-section (3) of section 4 of the Cardamom Act, 1965 (42 of 1965), read with rules 3 and 5 of the Cardamom Rules, 1966, the Central Government hereby appoints the Director of Horticulture, Government of Mysore, Bangalore, as a member of the Cardamom Board vice the Secretary to Government of Mysore, Agriculture and Forest Department, and makes the following amendment in the notification of the Government of India in the Ministry of Foreign Trade No. S.O. 419(E) dated the 12th June, 1972, namely :—

In the Table under the said notification, for the entry against serial No. (3), the following entry shall be substituted, namely:—

"The Director of Horticulture,
Government of Mysore,
Bangalore."

[No. 29(1) Plant(B)/72]

S. MAHADEVA IYER, Under Secy.

नई विल्ली, 31 जनवरी, 1973

का. आ. 428.—आवश्यक वस्तु अधिनियम, 1955 (1955 का 10) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, कपास नियंत्रण आदेश, 1955 में और संशोधन करने के लिए एक्सेक्यूटिव आदेश बनाती है, अर्थात्:—

इस आदेश का नाम कपास नियंत्रण (संशोधन) आदेश, 1973 है;

2. कपास नियंत्रण आदेश, 1955 में, खण्ड 20 के पश्चात निम्नलिखित खण्ड अन्तः स्थापित किया जाएगा, अर्थात्:—

"21. अपील : इस आदेश के अधीन दिए गए वस्तु आवश्यक या अनुज्ञापन प्राप्तिकारी के आदेश से व्यक्ति कोई भी व्यक्ति, ऐसे आदेश की संस्थाना की तारीख से तीस दिन के भीतर केन्द्रीय सरकार को अपील कर सकेगा और उस पर केन्द्रीय सरकार का विनियन अन्तम होगा।"

[सं. 17(6)/72-वस्तु (1)/72]

दौलत राम, अवर सचिव

New Delhi, the 31st January, 1973

S.O. 428.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Cotton Control Order, 1955, namely:—

1. This Order may be called the Cotton Control (Amendment) Order, 1973.

2. In the Cotton Control Order, 1955, for clause 20, the following clause shall be inserted, namely:—

"21. Appeal.—Any person aggrieved by an order of the Textile Commissioner or the licensing authority made under this Order may prefer an appeal to the Central Government within thirty days of the date of communication of such order and the decision of the Central Government thereon shall be final."

[No. 17(6)-Tex(I)/72]
DAULAT RAM, Under Secy.

नई विल्ली, 17 फरवरी, 1973

का. आ. 429.—नियर्ति (कवालीट नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार लाउन्ड्री साबून नियर्ति (निरीक्षण) नियम, 1966 में संशोधन करने के लिए निम्नलिखित नियम एक्सेक्यूटिव बनाती है, अर्थात् :—

1. संक्षेप माम तथा प्राप्ति : (1) इन नियमों का नाम लाउन्ड्री साबून नियर्ति (निरीक्षण) संशोधन नियम, 1973 है।

(2) ये 10 मार्च, 1973 का प्रवृत्त होंगे।

2. लाउन्ड्री साबून नियर्ति (निरीक्षण) नियम, 1966 में नियम 3 के लिए, निम्नलिखित नियम प्रतिस्थापित किया जाएगा, अर्थात् :—

"3. निरीक्षण का आधार.—नियर्ति के लिए लाउन्ड्री साबून का निरीक्षण यह देखने के लिए किया जाएगा कि लाउन्ड्री साबून नियर्ति (कवालीट नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्यता प्राप्त विनियर्देशों के अनुरूप है।"

2. (1) नियम 4 में, उप-नियम (3) के स्थान पर निम्नलिखित उप-नियम प्रतिस्थापित किया जाएगा, अर्थात् :—

"(3) उप-नियम (2) के अधीन अनुमोदित नमूने की सूचना तथा घोषणा की प्राप्ति पर अधिकरण, लाउन्ड्री साबून के परेण्य का निरीक्षण यह देखने के लिए करेगा कि वह नियर्ति (कवालीट नियंत्रण और निरीक्षण) अधिनियम, 1963 की धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्यता प्राप्त विनियर्देशों के अनुरूप है।"

2. (2) उप-नियम (4) के स्थान पर, निम्नलिखित उप-नियम प्रतिस्थापित किया जाएगा, अर्थात् :—

"(4) यदि निरीक्षण के पश्चात्, अभिकरण का समाधान हो गया है कि नियर्ति के लिए लाउन्ड्री साबून का परेण्य नियम 3 की अपेक्षाओं के अनुरूप है, तो वह उप-नियम (2) के अधीन रखना तथा घोषणा की प्राप्ति के सात दिन के भीतर परेण्य को नियर्तियां घोषित करते हुए नियर्ति-कर्ता को प्रमाण पत्र देंगा :

परन्तु, जहां अभिकरण का इस प्रकार समाधान नहीं हो गया है, वह उक्त सात दिन की अवधि के भीतर ऐसा प्रमाण-पत्र देने से इंकार कर देगा तथा इसके लिए कारण सहित ऐसे इंकार की सूचना नियर्ति-कर्ता को देगा।"

[सं. 6(18)71-नि.नि. तथा नि. सं.]

New Delhi, the 17th February, 1973

S.O. 429.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules to amend the Export of Laundry Soap (Inspection) Rules, 1966, namely:—

1. Short title and commencement.—(1) These rules may be called the Export of Laundry Soap (Inspection) Amendment Rules, 1973.

(2) They shall come into force on the 10th March, 1973.

2. In the Export of Laundry Soap (Inspection) Rules, 1966 (1) for rule 3, the following rule shall be substituted, namely:—

"3. Basis of Inspection.—Inspection of laundry soap for export shall be carried out with a view to seeing that the laundry soap conforms to the specifications recognised by the Central Government under section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963)."

(2) (i) in rule 4, for sub-rule (3), the following sub-rule shall be substituted, namely:—

"(3) On receipt of the intimation and declaration of the approved sample under sub-rule (2), the Agency shall inspect the consignment of laundry soap with a view to seeing that the same conforms to the specifications recognised by the Central Government under section 6 of the Export (Quality Control and Inspection) Act, 1963.";

(2) (ii) for subrule (4), the following sub-rule shall be substituted, namely:—

"(4) If after inspection, the Agency is satisfied that the consignment of laundry soap to be exported complies with the requirements of rule 3, it shall, within seven days of the receipt of intimation and declaration under sub-rule (2), issue a certificate to the exporter declaring the consignment to be export worthy.

Provided that where the agency is not so satisfied, it shall within the said period of seven days refuse to issue such certificate and communicate such refusal to the exporter alongwith the reasons therefor."

[No. 6(15)/71-EI&EP]

आदेश

का. आ. 430.—यतः भारत के नियर्ति स्वापार के विकास के लिए भारत सरकार के भूतपूर्व वाणिज्य मंत्रालय की लाउन्ड्री साबुन संबंधी अधिसूचना सं. का. आ. 1771, तारीख 7 जून, 1966 में संशोधन करने के लिए कीपथ प्रस्ताव नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 2 के उप-नियम (2) द्वारा यथा अपैक्षित भारत सरकार के विवेश स्वापार मंत्रालय की अधिसूचना सं. का. आ. 5476, ता. 10 विसम्बर, 1971 के अधीन भारत के राजपत्र भाग 2, खंड 3, उपखंड (2), असाधारण, ता. 10 विसम्बर, 1971 में पृ. 3305—3309 पर प्रकाशित किए गए थे,

और यतः उससे संभावतः प्रभावित होने वाले सभी व्यक्तियाँ से 9 जनवरी, 1972 तक आक्षेप तथा सहाय भागे गए थे,

और यतः उक्त राजपत्र जनसाधारण के 10 विसम्बर, 1971 के उपलब्ध कर दिया गया था;

और यतः उक्त प्रारूप पर जन साधारण से प्राप्त आक्षेपों और सुझावों पर केन्द्रीय सरकार ने विचार कर लिया है,

अतः अब, नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शरीकसाथों का प्रयाग करते हुए, नियर्ति निरीक्षण परिषद् से परामर्श करने के पश्चात्, केन्द्रीय सरकार की यह राय है कि भारत के नियर्ति स्वापार के विकास के लिए ऐसा करना आवश्यक तथा समीचीन है, यह भारत सरकार के भूतपूर्व वाणिज्य मंत्रालय की अधिसूचना सं. का. आ. 1771, तारीख 7 जून, 1966 में निम्नलिखित संशोधन एवं द्वारा करती है, अर्थात् :—

उक्त अधिसूचना के पैरा 1 में, उपर्यंत (3) के पश्चात्, निम्नलिखित उपर्यंत अन्तः स्थापित किया जाएगा, अर्थात् :—

"(4) (क) इस आदेश के उपाधन में लाउन्ड्री साबुन के लिए यथा अधिकारित विनिर्देशों को लाउन्ड्री साबुन के लिए मानक विनिर्देशों के रूप में मान्यता देती है,

(ख) नियर्ति-संविदा के विनिर्देशों को मान्यता देती है, परन्तु ऐसे विनिर्देश उक्त उपाधन में वर्णित अपेक्षाओं से कम न हों।"

उपाधन

(लाउन्ड्री साबुन के लिए विनिर्देश)

[पैरा 1 का उप-पैरा (4) (क) दीखए]

साधारण अपेक्षाएं

1. संघटक.—लाउन्ड्री साबुन अच्छे साबुन में परिवर्तित किया हुआ समरूप मिश्रण होगा जो वसा या वसा अमूल, सौडा और अन्य निम्नांकित अंदरूनीजाऊं से बना हो। संघटक स्वास्थ्य के लिए अद्वितीय कारक नहीं होंगे और निरापद होंगे। रंग और गंध क्षेत्रों और नियर्तकर्ता के बीच पारस्परिक पाए गए करार के अनुसार होंगे।

2. आकार.—लाउन्ड्री साबुन छंडों, टिकियाँ, पलैक्स, घूरा, प्रब्रह्म के रूप में या क्षेत्र द्वारा विनिर्दिष्ट किसी अन्य प्राकृतिक आकार में बनाया जाएगा।

3. पौधिक गंगा.—लाउन्ड्री साबुन को लकड़ी की या कार्बो-ओर्ड की मजबूत पौधिक गंगा में सुरक्षित रूप से पैक किया जाएगा। जब तक कैता और नियर्त-कर्ता के बीच अन्यथा करार न हो तो वे द्वारा गए पौधिक गंगा भण्डारकरण तथा परिवहन में हुए नुकसान को निवारित करने के लिए अनुसरित किए जाएंगे।

(1) टिकियाँ और छंडों के लिए.—टिकियाँ तथा छंडे जलसह आवरण में पैक किए जाएंगे।

(2) साबुन घूरा, टुकड़े और फ्लैक्स के लिए.—साबुन घूरा, टुकड़े तथा फ्लैक्स पौधिकीय या सामान प्लास्टिक के धैतों में या कागज के हिल्डों में पैक किए जाएंगे।

(3) घूर साबुन के लिए.—घूर साबुन भली प्रकार घन्थ किए गए तथा टपक-रहित प्लास्टिक, धातु या कंच के आधारों में बन्द किया जाएगा।

4. रसायनिक अपेक्षाएं:—लाउन्ड्री साबुन निम्नलिखित रसायनिक अपेक्षाओं के अनुरूप होगा, अर्थात् :—

रसायनिक अपेक्षाएं

क्रम सं. ०	विषेषताएं	साबुन की घूरा टिकियाँ या छंडे	घूर साबुन
के लिए अपेक्षा			
1.	कुल वसीय तथा रेजिन अम्ल, भार के आधार पर प्रतिशत, न्यूमतम	42.0	40.0
2.	रेजिन अम्ल, भार के आधार पर प्रतिशत, अधिक से अधिक	14.0	10.0
3. (क)	मुक्त वाहक भार, सोडियम हाइड्रो-फ्लॉराइड (NaCl) के रूप में संगणित भार के आधार पर प्रतिशत, अधिक से अधिक	0.3	0.1
(ख)	मुक्त वाहक भार, सोडियम हाइड्रो-फ्लॉराइड (KOH) के रूप में संगणित भार के आधार पर प्रतिशत, अधिक से अधिक	—	0.05
4.	मसाबुनीकृत वसीय पदार्थ, भार के आधार पर प्रतिशत, अधिक से अधिक	0.8	0.3
5.	क्लोरोराइड, सोडियम क्लोरोराइड (NaCl) के रूप में संगणित भार के आधार पर प्रतिशत, अधिक से अधिक	2.0	2.0
6.	मधसार में अविसेय पदार्थ भार के आधार पर प्रतिशत अधिक से अधिक	—	30.0 0.5
7.	पानी में अविसेय पदार्थ, भार के आधार पर प्रतिशत अधिक से अधिक	2.0	1.0
8.	105° से० पर आदर्ता प्रौद्र वाष्पमाली पदार्थ, भार के आधार पर प्रतिशत, अधिक से अधिक	30.0	—
(ख) केवल घूर साबुन के लिए — जब 24 घंटों तक 50° से० पर रखा जाए, तब साबुन, बिना किसी प्रथक्करण या प्रवर्षारण के एक स्वच्छ विलयन रहेगा।			

[सं. ० ६(१५)/७१-नि० नि० तथा नि० सं०]

ORDER

S.O. 430.—Whereas for the development of export trade of India certain proposals for amending the notification of the Government of India in the late Ministry of Commerce No. S.O. 1771, dated the 7th June, 1966 regarding laundry soap were published as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964, at pages 3305–3309 of the Gazette of India—Part II—Section 3—Sub-Section (ii), Extra-ordinary, dated the 10th December, 1971, under the notification of the Government of India in the Ministry of Foreign Trade No. S.O. 5476, dated 10th December, 1971;

And whereas objections and suggestions were invited till the 9th January, 1972, from all persons likely to be affected thereby;

And whereas the said Gazette was made available to the public on the 10th December, 1971;

And whereas the objections and suggestions received from the public on the said draft have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government, after consulting the Export Inspection Council, being of the opinion that it is necessary and expedient so to do for the development of the export trade of India, hereby makes the following amendment to the notification of the Government of India in the late Ministry of Commerce No. S.O. 1771, dated the 7th June, 1966, namely:—

In paragraph 1 of the said notification, after sub-paragraph (3), following sub-paragraph shall be inserted, namely:—

“(4) recognises—

(a) the specifications for laundry soap as set out in the Annexure to this Order, as the standard specifications for laundry soap.

(b) specifications in the export contract, provided that such specifications do not fall below the requirements prescribed in the said Annexure.”

ANNEXURE

(Specifications for Laundry Soap)

(See sub-paragraph (4)(a) of paragraph 1)

General Requirements :

1. Ingredients.—The laundry soap shall be a well saponified homogeneous compound made from appropriate proportions of fats of fatty acids, soda and other builders and additives. The ingredients shall be non-injurious to health and safe. The colour and odour shall be as mutually agreed between the buyer and the exporter.

2. Shape.—The laundry soap shall be made in the form of bars, cakes, flakes, powder, liquid, or any other physical shape specified by the buyer.

3. Packing.—The laundry soap shall be securely packed in sturdy wooden or cardboard packing cases. Unless otherwise agreed to between the buyer and the exporter, the packaging instructions given below shall be followed to prevent damage in storage and transit.

(1) **For cakes and bars.**—The cakes and bar pieces shall be packed in waterproof wrappers.

(2) **For soap powder, chips and flakes.**—The soap powder, chips and flakes shall be packed in containers made of polythene or equivalent plastic, or in paper cartons.

(3) **For liquid soap.**—The liquid soap shall be packed in well-closed and leakproof plastic, metal or glass containers. All types of containers must be inert to the contents.

4. **Chemical requirements:**—The laundry soap shall conform to the following chemical requirements, namely:—

Sl No.	Characteristics	CHEMICAL REQUIREMENTS		
		Soaps cakes	Soaps- Powders	Soaps- Liquid Bars
	(i) Total fatty and resin acids, percent by weight, Minimum	42.0	40.0	15.00
	(ii) Rosin acids, percent by weight, Maximum	14.0	10.0	
	(iii) (a) Free caustic alkali, calculated as Sodium hydroxide (NaOH), percent by weight, Maximum	0.3	0.1	..
	(b) Free caustic alkali, calculated as Potassium hydroxide (KOH), percent by weight, Maximum	0.05
	(iv) Unsaponified fatty matter, percent by weight, Maximum	0.8	0.3	..
	(v) Chlorides, calculated as sodium chloride (NaCl), percent by weight, Maximum	2.0	2.0	..
	(vi) Matter insoluble in alcohol, percent by weight, Maximum	..	30.0	0.5
	(vii) Matter insoluble in water, percent by weight, Maximum	2.0	1.0	..
	(viii) Moisture and matter volatile at 105° C, percent by weight, Maximum	30.0

(B) **For liquid soap only.**—When kept at 5° C for 24 hours, the soap shall remain a clear solution, without any separation or sedimentation.

[No. 6(15)/71-EI&EP]

का. आ. 431.—नियर्ति (क्रालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शर्कितव्यों का प्रयोग करते हुए, केन्द्रीय सरकार, अभूत नियर्ति (निरीक्षण) नियम, 1969 में और संशोधन करने के लिए निम्नलिखित नियम प्रसङ्गवार बनाई है।

1. इन नियमों का नाम अभूत नियर्ति (निरीक्षण) संशोधन नियम, 1973 है।

2. अभूत नियर्ति (निरीक्षण) नियम, 1969 के नियम 4 में उपनियम (3) के स्थान पर, निम्नलिखित उपनियम प्रतिस्थापित किया जाएगा, अथवा:—

“(3) नियर्ति निरीक्षण परियद द्वारा समय-समय पर चिह्न गए आदेशों के अनुसार यदि अभूत के परेक्षण के निरीक्षण के पश्चात् अभिकरण की यह राय है कि ऐसा परेक्षण उसके अनुमोदित भास्तु से ऐसे परेक्षण से संबंधित अन्य तकनीकी शर्तों के अनुरूप है, तो वह निरीक्षण किए जाने के 72 घंटों के भीतर ऐसे अभूत के परेक्षण को नियर्ति-योग्य घोषित करते हुए नियर्तिकर्ता को निरीक्षण का प्रमाणपत्र देगा :

परन्तु जहाँ अभिकरण का इस प्रकार समाधान नहीं हुआ है वहाँ वह 72 घंटों की उक्त अवधि के भीतर ऐसा प्रमाणपत्र देने से हंकार कर देगा तथा इसके लिए नियर्तिकर्ता को उसके कारण सहित ऐसे हंकार के बारे में संसूचित करेगा।

[सं. 6(26)/72-इ. आर्द. एड इ. पी.]

S.O. 431.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of mica (Inspection) Rules, 1969.

1. These rules may be called the Export of Mica (Inspection) Amendment Rules, 1973.

2. In rule 4 of the Export of Mica (Inspection) Rules, 1969—for sub-rule (3), the following sub-rule shall be substituted, namely:

(3) If after inspection of the consignment of mica, as per the instructions issued by the Export Inspection Council from time to time the agency is of opinion that such consignment is in conformity with the approved sample and other technical conditions relating to such consignment, it shall, within seventy-two hours of carrying out the inspection, issue a certificate of inspection to the exporter declaring such consignment of mica as export-worthy. Provided that where the agency is not so satisfied, it shall within the said period of seventy-two hours refuse to issue such certificate and communicate such refusal to the exporter along with reason therefor."

[No. 6(26)/72-EI&EP]

का. आ. 432.—नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) अधीनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शरीकतयों का प्रयोग करते हुए, केन्द्रीय सरकार, अकार्बीनिक रसायन नियर्ति (निरीक्षण) नियम, 1966 में और संशोधन करने के लिए निम्नलिखित नियम एवं इन्वारा बनाती है :

1. इन नियमों का नाम अकार्बीनिक रसायन नियर्ति (निरीक्षण) संशोधन नियम, 1973 है।

2. अकार्बीनिक रसायन नियर्ति (निरीक्षण) नियम, 1966 के नियम 4 :-

(क) उपर्याप्ति (3) के स्थान पर निम्नलिखित उपर्याप्ति प्रतिस्थापित किया जाएगा, अर्थात् :—

"उपर्याप्ति (2) के अधीन सूचना तथा घोषणा की प्राप्ति पर, अभिकरण अकार्बीनिक रसायन के परेण्य का निरीक्षण नियर्ति निरीक्षण परिषद् द्वारा समय-समय पर दिए गए आदेशों के अनुसार यह देखने के लिए करेगा कि वह नियर्ति संविदा में बताए गए विविवेशों के अनुरूप है।"

(ख) उपर्याप्ति (4) के अन्त में निम्नलिखित परन्तु जोड़ा जाएगा :—

"परन्तु जहाँ अभिकरण का इस प्रकार समाधान नहीं हुआ है वह सात चिनों की उक्त अवधि के भीतर ऐसा प्रमाणपत्र देने से हंकार कर देगा तथा नियर्ति कर्ता को ऐसे हंकार के बारे में उसके कारण सहित संसूचित करेगा।"

[सं. 6(26)/72-इ. आई. एण्ड इ. पी.]

S.O. 432.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Inorganic Chemicals (Inspection) Rules, 1966.

1. These rules may be called the Export of Inorganic Chemicals (Inspection) Amendment Rules, 1973.

2. In rule 4 of the Export of Inorganic Chemicals (Inspection) Rules, 1966—

(a) for sub-rule (3) the following sub-rule shall be substituted, namely:—

"On receipt of the intimation and declaration under sub-rule (2) the inspection agency shall inspect the consignments of the organic chemicals as per the instructions issued by the Export Inspection Council from time to time with a view to seeing that the same conforms to the specifications stipulated in the export contract."

(b) The following proviso shall be added at the end of sub-rule (4):—

"Provided that where the agency is not so satisfied, it shall within the said period of seven days refuse to issue such certificate and communicate such refusal to the exporter along with reason therefor."

[INo. 6(26)/72-EI&EP]

का. आ. 433.—नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) अधीनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शरीकतयों का प्रयोग करते हुए, केन्द्रीय सरकार, अकार्बीनिक रसायन नियर्ति (निरीक्षण) नियम, 1966 में और संशोधन करने के लिए निम्नलिखित नियम एवं इन्वारा बनाती है :

1. इन नियमों का नाम अकार्बीनिक रसायन नियर्ति (निरीक्षण) संशोधन नियम, 1973 है।

2. अकार्बीनिक रसायन नियर्ति (निरीक्षण) नियम, 1966 के नियम 4 में,—

(क) उपर्याप्ति (3) के स्थान पर निम्नलिखित उपर्याप्ति प्रतिस्थापित किया जाएगा, अर्थात् :—

"उपर्याप्ति (2) के अधीन सूचना तथा घोषणा की प्राप्ति पर, अभिकरण अकार्बीनिक रसायन के परेण्य का निरीक्षण नियर्ति निरीक्षण परिषद् द्वारा समय-समय पर दिए गए आदेशों के अनुसार यह देखने के लिए करेगा कि वह नियर्ति कर्ता द्वारा घोषित नियर्ति संविदा में बताए गए विविवेशों के अनुसार है।"

(ख) उपर्याप्ति (4) के अन्त में निम्नलिखित परन्तु जोड़ा जाएगा :—

"परन्तु जहाँ अभिकरण का इस प्रकार समाधान नहीं हुआ है वह सात चिनों की उक्त अवधि के भीतर ऐसा प्रमाणपत्र देने से हंकार कर देगा तथा नियर्ति कर्ता को ऐसे हंकार के बारे में उसके कारण सहित संसूचित करेगा।"

[सं. 6(26)/72-इ. आई. एण्ड इ. पी.]

S.O. 433.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Organic Chemicals (Inspection) Rules, 1966.

1. These rules may be called the Export of Organic Chemicals (Inspection) Amendment Rules, 1973.

2. In rule 4 of the Export of Organic Chemicals (Inspection) Rules, 1966—

(a) for sub-rule (3) the following sub-rule shall be substituted, namely:—

"On receipt of the intimation and declaration under sub-rule (2) the inspection agency shall inspect the consignments of the organic chemicals as per the instructions issued by the Export Inspection Council

from time to time with a view to seeing that the same conforms to the specifications stipulated in the export contract as declared by the exporters."

(b) The following proviso shall be added at the end of sub-rule (4):

"Provided that where the agency is not so satisfied, it shall within the said period of seven days refuse to issue such certificate and communicate such refusal to the exporter along with reason therefor."

[No. 6(26)/72-EI&EP]

का. आ. 434.—नियर्ति (प्रालीलिट नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, अकार्बनिक रंजक कलात्र नियर्ति (निरीक्षण) नियम, 1966 में और आगे संशोधन करने के लिए निम्नलिखित नियम एतद्वारा बनाती है।

1. इन नियमों का नाम अकार्बनिक रंजक नियर्ति (निरीक्षण) संशोधन नियम, 1973 है।

2. अकार्बनिक रंजक नियर्ति (निरीक्षण), नियम, 1966 के नियम 4 में—

(क) उपनियम (3) के स्थान पर निम्नलिखित उपनियम प्रतिस्थापित किया जाएगा, अर्थात्—

"उपनियम (2) के अधीन स्वीकृत नमूने की सूचना तथा घोषणा की प्राप्ति पर अभिकरण अकार्बनिक रंजकों के परेण्य का निरीक्षण, नियर्ति निरीक्षण परिषद् द्वारा समय समय पर दिए गए आवेशों के अनुसार यह देखने के लिए करेगा कि यह नियर्ति संविदा में बताए गए विविध शर्तों के अनुरूप है।"

(ख) उपनियम (4) के अंत में निम्नलिखित परन्तुक जोड़ा जाएगा :

"परन्तु यहाँ अभिकरण का हस प्रकार समाधान नहीं है वहाँ वक्त 7 चिनाँ की उपल अवधि के भीतर एसा प्रमाण पत्र देने से इंकार कर देगा तथा नियतिकर्ता को हसके लिए कारण सहित एसे इंकार के बारे में संसूचित करेगा।"

[सं. 6(26)/72-इ. आई. एण्ड इ. पी.]

S.O. 434.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Inorganic Pigments (Inspection) Rules, 1966.

1. These rules may be called the Export of Inorganic Pigments (Inspection) Amendment Rules, 1973.

2. In rule 4 of the Export of Inorganic Pigments (Inspection) Rules, 1966—

(a) for sub-rule (3) the following sub-rule shall be substituted, namely:—

On receipt of the intimation and declaration of the approved sample under sub-rule (2) the agency shall inspect the consignment of inorganic pigments as per the instructions issued by the Export Inspection Council from time to time with a view to seeing that the same conforms to the specifications stipulated in the export contract."

(b) The following proviso shall be added at the end of sub-rule (4):

"Provided that where the agency is not so satisfied, it shall within the said period of seven days refuse to issue such certificate and communicate such refusal to the exporter along with reason therefor."

[No. 6(26)/72-EI&EP]

का. आ. 435.—नियर्ति (प्रालीलिट नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, अकार्बनिक रंजक कलात्र नियर्ति (निरीक्षण) नियम, 1966 में और संशोधन करने के लिए निम्नलिखित नियम एतद्वारा बनाती है :

1. इन नियमों का नाम पी. वी. सी. लैंबर कलात्र नियर्ति (निरीक्षण) संशोधन नियम, 1973 है।

2. पी. वी. सी. लैंबर कलात्र नियर्ति (निरीक्षण) नियम, 1966 के नियम 4 में—

(क) उपनियम (2) के स्थान पर, निम्नलिखित उपनियम प्रतिस्थापित किया जाएगा, अर्थात् :—

"उपनियम (1) के अधीन नमूने सहित सूचना तथा घोषणा की प्राप्ति पर अभिकरण अकार्बनिक रंजकों के परेण्य का निरीक्षण, नियर्ति निरीक्षण परिषद् द्वारा समय समय पर दिए गए आवेशों के अनुसार यह देखने के लिए करेगा कि यह नियर्ति संविदा में बताए गए विविध शर्तों के अनुरूप है।"

(ख) उपनियम (3) के अंत में निम्नलिखित परन्तुक जोड़ा जाएगा :

"परन्तु यहाँ अभिकरण का हस प्रकार समाधान नहीं है वहाँ वक्त 4 दिन की उक्त अवधि के भीतर एसा प्रमाण पत्र देने से इंकार कर देगा तथा हसके लिए कारण सहित एसे इंकार के बारे में नियतिकर्ता को संसूचित करेगा।"

[सं. 6(26)/72-इ. आई. एण्ड इ. पी.]

S.O. 435.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of PVC Leather Cloth (Inspection) Rules, 1966.

1. These rules may be called the Export of PVC Leather Cloth (Inspection) Amendment Rules, 1973.

2. In rule 4 of the Export of PVC Leather Cloth (Inspection) Rules, 1966—

(a) for sub-rule (2) the following sub-rule shall be substituted, namely:—

"On receipt of the intimation and application along with the sample under sub-rule (1) the Agency shall inspect the consignment of PVC Leather Cloth as per the instructions issued by the Export Inspection Council from time to time in accordance with rule 3."

(b) The following proviso shall be added at the end of sub-rule (3):

"Provided that where the agency is not so satisfied, it shall within the said period of four days refuse to issue such certificate and communicate such refusal to the exporter along with reason therefor."

[No. 6(26)/72-EI&EP]

का. आ. 438.—नियर्ति (क्षारीलीट नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, विनयल फिल्म तथा चूदूदर के नियर्ति (निरीक्षण) नियम, 1969 में और संशोधन करने के लिए निम्नलिखित नियम एवं द्वारा बनाती है।

1. इन नियमों का नाम विनयल फिल्म तथा चूदूदर नियर्ति (निरीक्षण) संशोधन नियम, 1973 है।

2. विनयल फिल्म तथा चूदूदर नियर्ति (निरीक्षण) नियमों के नियम 4 में—

(क) उपनियम (3) के तथान पर निम्नलिखित उपनियम प्रतिस्थापित किया जाएगा, अर्थात् :—

“उपनियम (1) के अधीन सूचना तथा घोषणा की प्राप्ति पर, अभिकरण विनयल फिल्म तथा चूदूदर के परेण्य का निरीक्षण, नियम 3 के अनुसार नियर्ति निरीक्षण परिषद् द्वारा समय समय पर यिए गए आदेशों के अनुसार करेगा।”

(ख) उपनियम (4) के अंत में निम्नलिखित परन्तुक जोड़ा जाएगा :—

“परन्तु, जहाँ अभिकरण का इस प्रकार समाधान नहीं हुआ है वहाँ वह सात दिन की उक्त अवधि के भीतर ऐसा प्रमाण पत्र देने से इंकार कर देगा तथा इसके लिए कारण सहित नियर्तिकर्ता को ऐसे इंकार के बारे में संसूचित करेगा।”

[सं. 6(26)/72-इ. आई. एण्ड इ. पी.]

S.O. 436.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Vinyl Film and Sheeting (Inspection) Rules, 1969.

1. These rules may be called the Export of Vinyl Film and Sheeting (Inspection) Amendment Rules, 1973.

2. In rule 4 of the Export of Vinyl Film and Sheeting (Inspection) Rules, 1969—

(a) for sub-rule (3) the following sub-rule shall be substituted, namely:—

“On receipt of the intimation and declaration under Subrule (1) the agency shall inspect the consignment of Vinyl Film and Sheeting as per the instructions issued by the Export Inspection Council from time to time in accordance with rule 3.

(b) The following proviso shall be added at the end of sub-rule (4):

“Provided that where the agency is not so satisfied, it shall within the said period of seven days refuse to issue such certificate and communicate such refusal to the exporter along with reason therefor.”

[No. 6(26)/72-EI&EP]

का. आ. 437.—नियर्ति (क्षारीलीट नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, चीनी मिट्टी (सरीमक) उत्पाद नियर्ति (निरीक्षण) नियम, 1969 में और संशोधन करने के लिए निम्नलिखित नियम एवं द्वारा बनाती है।

1. इन नियमों का नाम चीनी मिट्टी उत्पाद नियर्ति (निरीक्षण) क्षत्रीय संशोधन नियम 1973 है।

2. चीनी मिट्टी उत्पाद नियर्ति (निरीक्षण) नियम, 1969 के नियम 4 में—

(क) उपनियम (4) के स्थान पर, निम्नलिखित उपनियम प्रतिस्थापित किया जाएगा, अर्थात् :

“उपनियम (3) के अधीन सूचना तथा घोषणा की प्राप्ति पर, अभिकरण चीनी मिट्टी उत्पाद के परेण्य, नियर्ति निरीक्षण द्वारा समय समय पर जारी किए गए आदेशों के अनुसार यह देखने के लिए करेगा कि वह अधिनियम की धारा 6 के अधीन मान्यताप्राप्त विनियोगों के अनुरूप है।”

(ख) उपनियम (5) के अंत में निम्नलिखित परन्तुक जोड़ा जाएगा :

“परन्तु, जहाँ अभिकरण का इस प्रकार समाधान नहीं हुआ है, वहाँ वह सात दिन की उक्त अवधि के भीतर ऐसा प्रमाण पत्र देने से इंकार कर देगा तथा इसके लिए नियर्तिकर्ता को कारण सहित इंकार के बारे में संसूचित करेगा।”

[सं. 6(26)/72-इ. आई. एण्ड इ. पी.]

S.O. 437.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Ceramic Products (Inspection) Rules, 1969.

1. These rules may be called the Export of Ceramic Products (Inspection) Second Amendment Rules, 1973.

2. In rule 4 of the Export of Ceramic Products (Inspection) Rules, 1969—

(a) for sub-rule (4) the following sub-rule shall be substituted, namely:

“On receipt of the intimation and declaration under sub-rule (3) the agency shall inspect the consignments of ceramic products as per the instructions issued by the Export Inspection Council from time to time with a view to seeing that the same conforms to the specifications recognised under section 6 of the Act.”

(b) The following proviso shall be added at the end of sub-rule (5):

“Provided that where the agency is not so satisfied, it shall within the said period of seven days refuse to issue such certificate and communicate such refusal to the exporter along with reason therefor.”

[No. 6(26)/72-EI&EP]

का. आ. 438.—नियर्ति (क्षारीलीट नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, उम्मसह इंट के नियर्ति (निरीक्षण) नियम, 1966 में और संशोधन करने के लिए निम्नलिखित नियम एवं द्वारा बनाती है।

1. इन नियमों का नाम उम्मसह इंट के नियर्ति (निरीक्षण) नियम, 1973 है।

2. उम्मसह इंट के नियर्ति (निरीक्षण) नियम, 1966 में—

(क) उपनियम (3) के स्थान पर निम्नलिखित उपनियम प्रतिस्थापित किया जाएगा, अर्थात् :

“उपनियम (2) के अर्थात् सूचना तथा घोषणा की प्राप्ति पर, अभिकरण उम्मसह इंटों के परेण्य का नियर्ति, नियम

3 के अनुसार नियर्ति निरीक्षण परिषद् द्वारा समय-समय पर जारी किए गए आदेशों के अनुसार करेगा।”

(ख) उपर्युक्तम् (4) के अंत में निम्नलिखित परन्तुक जोड़ा जाएगा :

“परन्तु जहाँ अभिकरण का इस प्रकार समाधान नहीं हो गया है, वहाँ वह 10 दिन की उक्त अवधि के भीतर ऐसा प्रभाग पश्च देने से इंकार कर देगा तथा इसके लिए कारण सहित नियर्तिकर्ता को ऐसे इंकार के बारे में संसूचित करेगा।”

[सं. 6(26)/72-इ. आई. एण्ड इ. पी.]

S.O. 438.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Refractory Bricks (Inspection) Rules, 1966.

1. These rules may be called the Export of Refractory Bricks (Inspection) Amendment Rules, 1973.

2. In rule 4 of the Export of Refractory Bricks (Inspection) Rules, 1966—

(a) for sub-rule (3) the following sub-rule shall be substituted, namely:—

“On receipt of the intimation and declaration under sub-rule (2) the agency shall inspect the consignment of the refractory bricks as per the instructions issued by the Export Inspection Council from time to time in accordance with rule 3.

(b) The following proviso shall be added at the end of sub-rule (4):

“Provided that where the agency is not so satisfied, it shall within the said period of ten days refuse to issue such certificate and communicate such refusal to the exporter along with reason therefor.”

[No. 6(26)/72-EI&EP]

का. आ. 439.—नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) अधीनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, सुरक्षा काष्ठ नियर्ति (निरीक्षण) नियम, 1969 में और संशोधन करने के लिए निम्नलिखित नियम एतद्वारा बनाती है।

1. इन नियमों का नाम सुरक्षा काष्ठ नियर्ति (निरीक्षण) संशोधन नियम, 1973 है।

2. सुरक्षा काष्ठ नियर्ति (निरीक्षण) नियम, 1969 के नियम 4 में :—

(क) उपर्युक्तम् (3) के स्थान पर निम्नलिखित उपर्युक्तम् प्रतिस्थापित किया जाएगा, अर्थात् :—

“उपर्युक्तम् (2) के अधीन सूचना तथा घोषणा की प्राप्ति पर, अभिकरण सुरक्षा काष्ठ के परेषण का निरीक्षण, नियर्ति निरीक्षण परिषद् द्वारा समय-समय पर जारी किए गए आदेशों के अनुसार यह देखने के लिए करेगा कि वह अधीनियम की धारा 6 के अधीन मान्यता प्राप्त विनियोगों के अनुरूप है।”

(ख) उपर्युक्तम् (4) के अंत में निम्नलिखित परन्तुक जोड़ा जाएगा :

“परन्तु जहाँ अभिकरण का इस प्रकार समाधान नहीं हो गया है, वहाँ वह सात दिन की उक्त अवधि के भीतर

ऐसा प्रगाणपत्र देने से इंकार कर देगा तथा इसके लिए नियर्तिकर्ता को कारण सहित ऐसे इंकार के बारे में संसूचित करेगा।”

[सं. 6(26)/72-इ. आई. एण्ड इ. पी.]

S.O. 439.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Safety Glass (Inspection) Rules, 1969.

1. These rules may be called the Export of Safety Glass (Inspection) Amendment Rules, 1973.

2. In rule 4 of the Export of Safety Glass (Inspection) Rules, 1969—

(a) for sub-rule (3) the following sub-rule shall be substituted, namely:—

“On receipt of the intimation under sub-rule (2) the agency shall inspect the consignment of safety glass as per the instructions issued by the Export Inspection Council from time to time with a view to seeing that the same conform to the specification recognised under section 6 of the Act.”

(b) The following proviso shall be added at the end of sub-rule (4):

“Provided that where the agency is not so satisfied, it shall within the said period of seven days refuse to issue such certificate and communicate such refusal to the exporter along with reason therefor.”

[No. 6(26)/72-EI&EP]

का. आ. 440.—नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) अधीनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, कीट नाशक तथा उनकी औषधियां नियर्ति (निरीक्षण) नियम, 1970 में और संशोधन करने के लिए निम्नलिखित नियम एतद्वारा बनाती है।

1. इन नियमों का नाम कीट नाशक तथा उनकी औषधियां नियर्ति (निरीक्षण) संशोधन नियम, 1973 है।

2. कीट नाशक तथा उनकी औषधियां नियर्ति (निरीक्षण) नियम, 1970 के नियम 4 में—

उपर्युक्तम् (4) के अंत में निम्नलिखित परन्तुक जोड़ा जाएगा :

“परन्तु जहाँ अभिकरण का इस प्रकार समाधान नहीं हो गया है, वहाँ वह 15 दिन की उक्त अवधि के भीतर ऐसा प्रभाग पश्च देने से इंकार कर देगा तथा इसके लिए नियर्तिकर्ता को कारण सहित ऐसे इंकार के बारे में संसूचित करेगा।”

[सं. 6(26)/72-इ. आई. एण्ड इ. पी.]

S.O. 440.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Pesticides and their Formulations (Inspection) Rules, 1970.

1. These rules may be called the Export of Pesticides and their Formulations (Inspection) Amendment Rules, 1973.

2. In rule 4 of the Export of Pesticides and their Formulations (Inspection) Rules, 1970—

The following proviso shall be added at the end of sub-rule (4):

"Provided that where the agency is not so satisfied, it shall within the said period of 15 days refuse to issue such certificate and communicate such refusal to the exporter along with reason therefor."

[No. 6(26)/72-EI&EP]

का. आ. 441.—नियास (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, लिनोलियम नियाति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1969 में और संशोधन करने के लिए निम्नलिखित नियम एतद्वारा बनाती है।

1. इन नियमों का नाम लिनोलियम नियाति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1973 है।

2. लिनोलियम नियाति (क्वालिटी नियंत्रण तथा निरीक्षण) नियम, 1969 के नियम 4 में—

उपनियम (4) के अंत में निम्नलिखित परन्तु जोड़ा जाएगा :

"परन्तु, जहाँ अभिकरण का इस प्रकार समाधान नहीं हो गया है, वहाँ वह 3 दिन की उक्त अवधि के भीतर ऐसा प्रमाणपत्र देने से इंकार कर देंगा तथा इसके लिए कारण सहित नियातिकर्ता को ऐसे इंकार के बारे में संसूचित करेगा।"

[सं. 6(26)/72-इ. आई. एण्ड इ. पी.]

S.O. 441.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Linoleum (Quality Control and Inspection) Rules, 1969.

1. These rules may be called the Export of Linoleum (Quality Control and Inspection) Amendment Rules, 1973.

2. In rule 4 of the Export of Linoleum (Quality Control and Inspection) Rules, 1969—

The following proviso shall be added at the end of sub-rule (4):

"Provided that where the agency is not so satisfied, it shall within the said period of three days refuse to issue such certificate and communicate such refusal to the exporter along with reason therefor."

[No. 6(26)/72-EI&EP]

का. आ. 442.—नियास (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, रंगलेप तथा संबंध वस्तु नियाति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1967 में और संशोधन करने के लिए निम्नलिखित नियम एतद्वारा बनाती है।

1. इन नियमों का नाम रंगलेप तथा सम्बद्ध वस्तु नियाति (क्वालिटी नियंत्रण और निरीक्षण) संशोधन नियम, 1973 है।

2. रंगलेप तथा सम्बद्ध वस्तु नियाति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1967 के नियम 4 में—

उपनियम (4) के अंत में निम्नलिखित परन्तु जोड़ा जाएगा :

"परन्तु, जहाँ अभिकरण का इस प्रकार समाधान नहीं हो गया है, वहाँ वह 3 दिन की उक्त अवधि के भीतर ऐसा प्रमाणपत्र देने से इंकार कर देंगा तथा इसके लिए नियातिकर्ता को कारण सहित ऐसे इंकार के बारे में संसूचित करेगा।"

[सं. 6(26)/72-इ. आई. एण्ड इ. पी.]

S.O. 442.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Paints and Allied Products (Quality Control and Inspection) Rules, 1967.

1. These rules may be called the Export of Paints and Allied Products (Quality Control and Inspection) Amendment Rules, 1973.

2. In rule 4 of the Export of Paints and Allied Products (Quality Control and Inspection) Rules, 1967—

the following proviso shall be added at the end of sub-rule (4):

"Provided that where the agency is not so satisfied, it shall within the said period of three days refuse to issue such certificate and communicate such refusal to the exporter along with reason therefor."

[No. 6(26)/72-EI&EP]

का. आ. 443.—नियाति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, संचरण लाइन टावर नियाति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1971 में और संशोधन करने के लिए निम्नलिखित नियम एतद्वारा बनाती है, अर्थात् :—

1. (1) इन नियमों का नाम संचरण लाइन टावर नियाति (क्वालिटी नियंत्रण और निरीक्षण) संशोधन नियम, 1973 है।

(2) ये तुरन्त प्रकृत होंगे।

2. संचरण लाइन टावर नियाति (क्वालिटी नियंत्रण तथा निरीक्षण) नियम, 1971 में, नियम 5 के उपनियम (4) के स्थान पर निम्नलिखित उपनियम प्रशस्त्यापित किया जाएगा, अर्थात् :—

"(4) उपनियम (1) के अधीन सूचना तथा घोषणा की प्राप्ति पर, अभिकरण अपना इस प्रकार समाधान होने पर कि विनिर्माण की प्रक्रिया के दौरान नियम 4 के अधीन विनिर्दिष्ट प्रयाति क्वालिटी नियंत्रणों का प्रयोग किया गया है तथा ऐसे अतिरिक्त निरीक्षण या परीक्षा के पश्चात जो कि परेषण की मानक विनिर्वाच से अनुरूपता सुनिश्चित करने के लिए आवश्यक समझी गई है तीन दिन के भीतर प्रमाण-पत्र देंगा कि परेषण क्वालिटी नियंत्रण और निरीक्षण से संबंधित शर्तों को पूरा करता है और नियाति-घोषणा है।

परन्तु, जहाँ अभिकरण का इस प्रकार समाधान नहीं हो गया है, वहाँ वह तीन दिन की उक्त अवधि के भीतर ऐसा प्रमाण-पत्र देने से इंकार कर देंगा तथा इसके लिए कारण सहित ऐसे इंकार के बारे में नियाति-कर्ता को संसूचित करेगा।"

[सं. 6(26)/72-इ. आई. एण्ड इ. पी.]

S.O. 443.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Transmission Line Towers (Quality Control and Inspection) Rules, 1971, namely:—

1. (1) These rules may be called the Export of Transmission Line Towers (Quality Control and Inspection) Amendment Rules, 1973.

(2) They shall come into force at once.

2. In the Export of Transmission Line Towers (Quality Control and Inspection) Rules, 1971, for sub-rule (4) of rule 5 the following sub-rule shall be substituted, namely:—

(4) On receipt of the intimation and declaration under sub-rule (1), the Agency on satisfying itself that during the process of manufacture, adequate quality controls specified under rule 4 have been exercised and after further such inspection or testing as considered necessary to ensure conformity of the consignment to the standard specification, shall within three days, issue a certificate that the consignment satisfies the conditions relating to quality control and inspection and is export-worthy.

“Provided that where the agency is not so satisfied, it shall within the said period of three days refuse to issue such certificate and communicate such refusal to the exporter along with the reasons therefor.”

[No. 6(26)/72-EI&EP]

का. आ. 444.—नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शर्कितयों का प्रयोग करते हुए, केन्द्रीय सरकार, डीजिल इंजिनों के नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1967 में और संशोधन करने के लिए निम्नलिखित नियम एस्ट्रावारा बनाती है, अर्थात् :—

1. (1) इन नियमों का नाम डीजिल इंजिनों के नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) संशोधन नियम, 1973 है।
(2) ये त्रुत्त प्रवृत्त होंगे।

2. डीजिल इंजिनों के नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1967 के उप-नियम (4) में, निम्नलिखित परन्तुक जोड़ा जाएगा, अर्थात् :—

“परन्तु, जहाँ अभिकरण का इस प्रकार समाधान नहीं हो गया है, वहाँ वह तीन दिन की उक्त अवधि के भीतर ऐसा प्रमाण-पत्र देने से इंकार कर देगा तथा इसके लिए कारण सहित नियर्ति-कर्ता को ऐसे इंकार के बारे में संसूचित करेगा।”

[सं. 6(26)/72-ई आई एण्ड ई पी.]

S.O. 444.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Diesel Engines (Quality Control and Inspection) Rules, 1967, namely:—

1. (1) These rules may be called the Export of Diesel Engines (Quality Control and Inspection) Amendment Rules, 1973.

(2) They shall come into force at once.

2. In rule 4 of the Export of Diesel Engines (Quality Control and Inspection) Rules, 1967, to sub-rule (4), the following proviso shall be added, namely:—

“Provided that where the agency is not so satisfied, it shall within the said period of three days refuse to issue such certificate and communicate such refusal to the exporter along with the reasons therefor.”

[No. 6(26)/72-EI&EP]

का. आ. 445.—नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शर्कितयों का प्रयोग करते हुए, केन्द्रीय सरकार, शर्कित-घोलत पम्पों के नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1967 में और संशोधन करने के लिए निम्नलिखित नियम एस्ट्रावारा बनाती है, अर्थात् :—

1. (1) इन नियमों का नाम शर्कित-घोलत पम्पों के नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) संशोधन नियम, 1973 है।

(2) ये त्रुत्त प्रवृत्त होंगे।

2. शर्कित-घोलत पम्पों के नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1967 के उप-नियम 4 के उप-नियम (4) में, निम्नलिखित परन्तुक जोड़ा जाएगा, अर्थात् :—

“परन्तु, जहाँ अभिकरण का इस प्रकार समाधान नहीं हो गया है, वहाँ वह तीन दिन की उक्त अवधि के भीतर ऐसा प्रमाण-पत्र देने से इंकार कर देगा तथा इसके लिए कारण सहित ऐसे इंकार के बारे में नियर्ति-कर्ता को संसूचित करेगा।”

[सं. 6(26)/72-ई आई एण्ड ई पी.]

S.O. 445.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Power Driven Pumps (Quality Control and Inspection) Rules, 1967, namely:—

1. (1) These rules may be called the Export of Power Driven Pumps (Quality Control and Inspection) Amendment Rules, 1973.

(2) They shall come into force at once.

2. In rule 4 of the Export of Power Driven Pumps (Quality Control and Inspection) Rules, 1967, to sub-rule (4), the following proviso shall be added, namely:—

“Provided that where the agency is not so satisfied, it shall within the said period of three days refuse to issue such certificate and communicate such refusal to the exporter along with the reasons therefor.”

[No. 6(26)/72-EI&EP]

का. आ. 446.—नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शर्कितयों का प्रयोग करते हुए, केन्द्रीय सरकार, विजली के पंखों के नियर्ति (निरीक्षण) नियम, 1967, में और संशोधन करने के लिए निम्नलिखित नियम एस्ट्रावारा बनाती है, अर्थात् :—

1. (1) इन नियमों का नाम विजली के पंखों के नियर्ति (निरीक्षण) संशोधन नियम, 1973 है।

(2) ये त्रुत्त प्रवृत्त होंगे।

2. विजली के पंखों के नियर्ति (निरीक्षण) नियम 4 के उप-नियम (4) में, निम्नलिखित परन्तुक जोड़ा जाएगा, अर्थात् :—

“परन्तु, जहाँ अभिकरण का इस प्रकार समाधान नहीं हो गया है, वहाँ वह तीन दिन की उक्त अवधि के भीतर ऐसा प्रमाण-पत्र देने से इंकार कर देगा तथा इसके लिए कारण सहित ऐसे इंकार के बारे में नियर्ति-कर्ता को संसूचित करेगा।”

[सं. 6(26)/72-ई आई एण्ड ई पी.]

S.O. 446.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules, further to amend the Export of Electric Fans (Inspection) Rules, 1967, namely:—

1. (1) These rules may be called the Export of Electric Fans (Inspection) Amendment Rules, 1973.

(2) They shall come into force at once.

2. In rule 4 of the Export of Electric Fans (Inspection) Rules, 1967, to sub-rule (4), the following proviso shall be added, namely:—

“Provided that where the agency is not so satisfied, it shall within the said period of three days refuse to issue such certificate and communicate such refusal to the exporter along with the reasons therefor.”

[No. 6(26)/72-EI&EP]

का. आ. 447.—नियर्थति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शाक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, सिलाइ अस्थिनों के नियर्थति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1967 में और संशोधन करने के लिए निम्नलिखित नियम घोषित करना चाहिए है, अर्थात्:—

1. (1) इन नियमों का नाम सिलाइ, मर्फिनों के नियर्थति (क्वालिटी नियंत्रण और निरीक्षण) संशोधन नियम, 1973 है।

(2) ये तुरन्त प्रवृत्त होंगे।

2. सिलाइ मर्फिनों के नियर्थति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1967 के नियम 4 के उप-नियम (4) में निम्नलिखित परन्तु जोड़ा जाएगा, अर्थात्:—

“परन्तु जहाँ अभिकरण का इस प्रकार समाधान नहीं हो गया है, वहाँ वह उक्त तीन दिन की उक्त अवधि के भीतर ऐसा प्रमाण-पत्र देने से इंकार कर देगा तथा इसके लिए कारणों सहित ऐसे इंकार के बारे में नियर्थति-कर्ता को संसूचित करेगा।”

[सं. 6(26)/72-इ आई एण्ड इ पी.]

S.O. 447.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Sewing Machines (Quality Control and Inspection) Rules, 1967, namely:—

1. (1) These rules may be called the Export of Sewing Machines (Quality Control and Inspection) Amendment Rules, 1973.

(2) They shall come into force at once.

2. In rule 4 of the Export of Sewing Machines (Quality Control and Inspection) Rules, 1967, to sub-rule (4), the following proviso shall be added, namely:—

“Provided that where the agency is not so satisfied, it shall within the said period of three days refuse to issue such certificate and communicate such refusal to the exporter along with the reasons therefor.”

[No. 6(26)/72-EI&EP]

का. आ. 448.—नियर्थति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22), की धारा 17 द्वारा प्रदत्त शाक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, छोटे आँजार और दूसरी आँजार नियर्थति (क्वालिटी नियंत्रण तथा निरीक्षण) नियम, 1967 में और संशोधन करने के लिए निम्नलिखित नियम घोषित करना चाहिए है, अर्थात्:—

1. (1) इन नियमों का नाम छोटे आँजार और दूसरी आँजार नियर्थति (क्वालिटी नियंत्रण और निरीक्षण) संशोधन नियम, 1973 है।

(2) ये तुरन्त प्रवृत्त होंगे।

2. छोटे आँजार और दूसरी आँजार नियर्थति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1967 के नियम 4 के उप-नियम (4) में, निम्नलिखित परन्तु जोड़ा जाएगा, अर्थात्:—

“परन्तु जहाँ अभिकरण का इस प्रकार समाधान नहीं हो गया है, वहाँ वह तीन दिन की उक्त अवधि के भीतर ऐसा प्रमाण-पत्र देने से इंकार कर देगा तथा इसके लिए कारणों सहित ऐसे इंकार के बारे में नियर्थति-कर्ता को संसूचित करेगा।”

[सं. 6(26)/72-इ आई एण्ड इ पी.]

S.O. 448.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Small Tools and Hand Tools (Quality Control and Inspection) Rules, 1967, namely:—

1. (1) These rules may be called the Export of Small Tools and Hand Tools (Quality Control and Inspection) Amendment Rules, 1973.

(2) They shall come into force at once.

2. In rule 4 of the Export of Small Tools and Hand Tools (Quality Control and Inspection) Rules, 1967, to sub-rule (4) the following proviso shall be added, namely:—

“Provided that where the agency is not so satisfied, it shall within the said period of three days refuse to issue such certificate and communicate such refusal to the exporter along with the reasons therefor.”

[No. 6(26)/72-EI&EP]

का. आ. 449.—नियर्थति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22), की धारा 17 द्वारा प्रदत्त शाक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, बाइसिकल नियर्थति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1967 में और संशोधन करने के लिए निम्नलिखित नियम घोषित करना चाहिए है, अर्थात्:—

1. (1) इन नियमों का नाम बाइसिकल नियर्थति (क्वालिटी नियंत्रण और निरीक्षण) संशोधन नियम, 1973 है।

(2) ये तुरन्त प्रवृत्त होंगे।

2. बाइसिकल नियर्थति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1967 के नियम 4 के उप-नियम (4) में निम्नलिखित परन्तु जोड़ा जाएगा, अर्थात्:—

“परन्तु जहाँ अभिकरण का इस प्रकार समाधान नहीं हो गया है, वहाँ वह तीन दिन की उक्त अवधि के भीतर ऐसा प्रमाण-पत्र देने से इंकार कर देगा तथा इसके लिए कारणों सहित ऐसे इंकार के बारे में नियर्थति-कर्ता को संसूचित करेगा।”

[सं. 6(26)/72-इ आई एण्ड इ पी.]

S.O. 449.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Bicycles (Quality Control and Inspection) Rules, 1967, namely:—

1. (1) These rules may be called the Export of Bicycles (Quality Control and Inspection) Amendment Rules, 1973.

(2) They shall come into force at once.

2. In rule 4 of the Export of Bicycles (Quality Control and Inspection) Rules, 1967, to sub-rule (4), the following proviso shall be added, namely:—

"Provided that where the agency is not so satisfied, it shall within the said period of three days refuse to issue such certificate and communicate such refusal to the exporter along with the reasons therefor."

[No. 6(26)/72-EI&EP]

का. आ. 450.—नियाति (स्टील ट्रंक नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22), की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, स्टील ट्रंक नियाति (निरीक्षण) नियम, 1967 में और संशोधन करने के लिए निम्नलिखित नियम लालूपारा बनाती है, अर्थात् :—

1. (1) इन नियमों का नाम स्टील ट्रंक नियाति (निरीक्षण) संशोधन नियम, 1973 है।

(2) ये तुरन्त प्रवृत्त होंगे।

2. स्टील ट्रंक नियाति (निरीक्षण) नियम, 1967, के नियम 4 के उपनियम (4) में निम्नलिखित परन्तुक जोड़ा जाएगा, अर्थात् :—

"परन्तु, जहाँ अभिकरण का इस प्रकार समाधान नहीं हो गया है, वहाँ वह दो दिन की उक्त अवधि के भीतर ऐसा प्रमाण-पत्र देने से इंकार कर देगा तथा इसके लिए कारणों सहित ऐसे इंकार के बारे में नियाति-कर्ता को संसूचित करेगा।"

[सं. 6(26)/72-इ आई एण्ड इ पी.]

S.O. 450.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Steel Trunks (Inspection) Rules, 1967, namely:—

1. (1) These rules may be called the Export of Steel Trunks (Inspection) Amendment Rules, 1973.

(2) They shall come into force at once.

2. In rule 4 of the Export of Steel Trunks (Inspection) Rules, 1967, to sub-rule (4), the following proviso shall be added, namely:—

"Provided that where the agency is not so satisfied, it shall within the said period of seventy two hours refuse to issue such certificate and communicate such refusal to the exporter along with the reasons therefor."

[No. 6(26)/72-EI&EP]

का. आ. 451.—नियाति (स्टील ट्रंक नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22), की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, बरफी जाली की स्टील चादू नियाति (निरीक्षण) नियम, 1967 में और संशोधन करने के लिए निम्नलिखित नियम लालूपारा बनाती है, अर्थात् :—

1. (1) इन नियमों का नाम बरफी जाली की स्टील चादू नियाति (निरीक्षण) संशोधन नियम, 1973 है।

(2) ये तुरन्त प्रवृत्त होंगे।

2. बरफी जाली की स्टील चादू नियाति (निरीक्षण) नियम, 1967 के नियम 4 के उप-नियम (4) में निम्नलिखित परन्तुक जोड़ा जाएगा, अर्थात् :—

"परन्तु, जहाँ अभिकरण का इस प्रकार समाधान नहीं हो गया है, वहाँ वह दो दिन की उक्त अवधि के भीतर ऐसा प्रमाण-पत्र देने से इंकार कर देगा तथा इसके लिए कारणों सहित ऐसे इंकार के बारे में नियाति-कर्ता को संसूचित करेगा।"

[सं. 6(26)/72-इ आई एण्ड इ पी.]

S.O. 451.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Expanded Metal Steel Sheets (Inspection) Rules, 1967, namely:—

1. (1) These rules may be called the Export of Expanded Metal Steel Sheets (Inspection) Amendment Rules, 1973.

(2) They shall come into force at once.

2. In rule 4 of the Export of Expanded Metal Steel Sheets (Inspection) Rules, 1967, to sub-rule (4), the following proviso shall be added, namely:—

"Provided that where the agency is not so satisfied, it shall within the said period of two days refuse to issue such certificate and communicate such refusal to the exporter along with the reasons therefor."

[No. 6(26)/72-EI&EP]

का. आ. 452.—नियाति (स्टील ट्रंक नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22), की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, स्टीललैस स्टील बर्तन नियाति (निरीक्षण) नियम, 1967 में और संशोधन करने के लिए निम्नलिखित नियम लालूपारा बनाती है, अर्थात् :—

1. (1) इन नियमों का नाम स्टीललैस स्टील बर्तन नियाति (निरीक्षण) संशोधन नियम, 1973 है।

(2) ये तुरन्त प्रवृत्त होंगे।

2. स्टीललैस स्टील बर्तन नियाति (निरीक्षण) नियम, 1967, के नियम 4 के उप-नियम (4) में निम्नलिखित परन्तुक जोड़ा जाएगा, अर्थात् :—

"परन्तु, जहाँ अभिकरण का इस प्रकार समाधान नहीं हो गया है, वहाँ वह 72 घण्टों की उक्त अवधि के भीतर ऐसा प्रमाण-पत्र देने से इंकार कर देगा तथा इसके लिए कारणों सहित ऐसे इंकार के बारे में नियाति-कर्ता को संसूचित करेगा।"

[सं. 6(26)/72-इ आई एण्ड इ पी.]

S.O. 452.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Stainless Steel Utensils (Inspection) Rules, 1967, namely:—

1. (1) These rules may be called the Export of Stainless Steel Utensils (Inspection) Amendment Rules, 1973.

(2) They shall come into force at once.

2. In rule 4 of the Export of Stainless Steel Utensils (Inspection) Rules, 1967, to sub-rule (4), the following proviso shall be added, namely:—

"Provided that where the agency is not so satisfied, it shall within the said period of seventy two hours refuse to issue such certificate and communicate such refusal to the exporter along with the reasons therefor."

[No. 6(26)/72-EI&EP]

का. आ. 453.—नियर्ति (क्वालीटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, विद्युत कीबिल तथा संचाहक नियर्ति (निरीक्षण) नियम, 1968 में और संशोधन करने के लिए निम्नलिखित नियम एसद्वारा बनाती है, अर्थात् :—

1. (1) इन नियमों का नाम विद्युत कीबिल तथा संचाहक नियर्ति (निरीक्षण) संशोधन नियम, 1973 है।

(2) ये तुरन्त प्रवृत्त होंगे।

2. विद्युत कीबिल तथा संचाहक नियर्ति (निरीक्षण) नियम, 1968 के नियम 4 के उप-नियम (5) के स्थान पर निम्नलिखित उप-नियम प्रतिस्थापित किया जाएगा, अर्थात् :—

"(5) स्वेच्छा स्वाधान करने के पश्चात् कि विद्युत कीबिल तथा संचाहक नियम 3 की अपेक्षाओं के अनुरूप हैं, अभिकरण, तीन दिन के भीतर परेषण को नियर्ति योग्य घोषित करते हुए प्रमाण-पत्र देगा :

परन्तु जहाँ अभिकरण का इस प्रकार समाधान नहीं हो गया है, वहाँ वह तीन दिन की उक्त अवधि के भीतर ऐसा प्रमाण-पत्र देने से इंकार कर देगा तथा इसके लिए कारणों सहित ऐसे इंकार के बारे में नियर्ति-कर्ता को संसूचित करेगा।"

[सं. 6(26)/72-ई. आई एण्ड ई. पी.]

S.O. 453.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Electric Cables and Conductors (Inspection) Rules, 1968, namely:—

1. (1) These rules may be called the Export of Electric Cables and Conductors (Inspection) Amendment Rules, 1973.

(2) They shall come into force at once.

2. In the Export of Electric Cables and Conductors (Inspection) Rules, 1968, for sub-rule (5) of rule 4, the following sub-rule shall be substituted namely:—

(5) After, satisfying itself that the electric cables and conductors conform to the requirements of rule 3, the agency shall within three days issue a certificate declaring the consignment as export-worthy.

"Provided that where the agency is not so satisfied, shall within the said period of three days refuse to issue such certificate and communicate such refusal to the exporter along with the reasons therefor."

[No. 6(26)/72-EI&EP]

का. आ. 454.—नियर्ति (क्वालीटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, ढले हुए लोहे के मैनहोल के छक्कन नियर्ति (निरीक्षण) नियम, 1971 में और संशोधन करने के लिए निम्नलिखित नियम एसद्वारा बनाती है, अर्थात् :—

1. (1) इन नियमों का नाम ढले हुए लोहे के साइल पाइप फिर्टिंग नियर्ति (निरीक्षण) संशोधन नियम, 1973 है।

(2) ये तुरन्त प्रवृत्त होंगे।

2. ढले हुए लोहे के साइल पाइप तथा फिर्टिंग नियर्ति (निरीक्षण) नियम, के नियम 4 के उप-नियम (4) में निम्नलिखित परन्तु जोड़ा जाएगा, अर्थात् :—

"परन्तु जहाँ अभिकरण का इस प्रकार समाधान नहीं हो गया है, वहाँ वह दो दिन की उक्त अवधि के भीतर ऐसा प्रमाण-पत्र देने से इंकार कर देगा तथा इसके लिए कारणों सहित ऐसे इंकार के बारे में नियर्ति-कर्ता को संसूचित करेगा।"

[सं. 6(26)/72-ई. आई एण्ड ई. पी.]

S.O. 454.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules, further to amend the Export of Cast Iron Soil Pipes and Fittings (Inspection) Rules, 1971, namely:—

1. (1) These rules may be called the Export of Cast Iron Soil Pipes and Fittings (Inspection) Amendment Rules, 1973.

(2) They shall come into force at once.

2. In rule 4 of the Export of Cast Iron Soil Pipes and Fittings (Inspection) Rules, 1971, to sub-rule (4), the following proviso shall be added, namely:—

"Provided that where the agency is not so satisfied, it shall within the said period of two days refuse to issue such certificate and communicate such refusal to the exporter along-with the reasons therefor."

[No. 6(26)/72-EI&EP]

का. आ. 455.—नियर्ति (क्वालीटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, ढले हुए लोहे के मैनहोल के छक्कन नियर्ति (निरीक्षण) नियम, 1971 में और संशोधन करने के लिए निम्नलिखित नियम एसद्वारा बनाती है, अर्थात् :—

1. (1) इन नियमों का नाम ढले हुए लोहे के मैनहोल के छक्कन नियर्ति (निरीक्षण) संशोधन नियम, 1973 है।

(2) ये तुरन्त प्रवृत्त होंगे।

2. ढले हुए लोहे के मैनहोल के छक्कन नियर्ति (निरीक्षण) नियम, 1971 के नियम 4 के उप-नियम (4) में निम्नलिखित परन्तु जोड़ा जाएगा, अर्थात् :—

"परन्तु जहाँ अभिकरण का इस प्रकार समाधान नहीं हो गया है, वहाँ वह दो दिन की उक्त अवधि के भीतर ऐसा प्रमाण-पत्र देने से इंकार कर देगा तथा इसके लिए कारणों सहित ऐसे इंकार के बारे में नियर्ति-कर्ता को संसूचित करेगा।"

[सं. 6(26)/72-ई. आई एण्ड ई. पी.]

S.O. 455.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules, further to amend the Export of Cast Iron Manhole Covers and Frames (Inspection) Rules, 1971, namely:—

1. (1) These rules may be called the Export of Cast Iron Manhole Covers and Frames (Inspection) Amendment Rules, 1973.

(2) They shall come into force at once.

2. In rule 4 of the Export of Cast Iron Manhole Covers and Frames (Inspection) Rules 1971, to sub-rule (4), the following proviso shall be added, namely:—

"Provided that where the agency is not so satisfied, it shall within the said period of two days refuse to issue such certificate and communicate such refusal to the exporter along-with the reasons therefor."

[No. 6(26)/72-EI&EP]

आदेश

का. आ. 456.—यस: केन्द्रीय सरकार की राय है कि नियति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शरीकतयों का प्रयोग करते हुए भारत सरकार के भूतपूर्व वाणिज्य मंत्रालय की सुरक्षा कांच से सम्बन्धित अधिसूचना सं. का. आ. 2835, ता. 21 दिसम्बर, 1966 में नीचे विनिर्दिष्ट की गई रीत से संशोधन करना भारत के नियति व्यापार के विकास के लिए आवश्यक या समीचीन है;

और यह: केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट किए गए प्रस्ताव बनाए हैं और नियति (क्वालिटी नियंत्रण और निरीक्षण) नियम 1964 के नियम 2 के उप-नियम (2) द्वारा यथा अपेक्षित उन्हें नियति निरीक्षण परिषद को भेज दिए हैं;

अतः, अब, उक्त उप-नियम के अनुसरण में, केन्द्रीय सरकार, उक्त प्रस्तावों की उनसे संभाव्यता: प्रभावित होने वाले जनसाधारण की जानकारी के लिए एतद्वारा प्रकाशित करती है।

2. एतद्वारा सूचना दी जाती है कि उक्त प्रस्तावों के बारे में कोई आशेष या सुझाव भेजने की आंदोलन करने वाला कोई भी व्यक्ति उसे इस अधिसूचना के प्रकाशन की तारीख के तीस दिन के भीतर नियति निरीक्षण परिषद "बल्ड ट्रैड सेन्टर", 14/1 बी, एजरा स्ट्रीट (सातवीं मंजिल), कलकत्ता-1 को भेज सकेगा।

प्रस्ताव

भारत सरकार के भूतपूर्व वाणिज्य मंत्रालय की अधिसूचना सं. का. आ. 2836, तारीख 21 दिसम्बर, 1966 में निम्नलिखित रूप से संशोधन किया जाएगा, अधिसिः—

1. उक्त अधिसूचना के पैरा 1 में उप-पैरा (3) के स्थान पर निम्नलिखित उप-पैरा प्रतिस्थापित किया जाएगा, अधिसिः—

"(3) सुरक्षा कांच के लिए भारतीय मानक संस्था द्वारा भारतीय मानक विनिर्देश भा. मा.-2553-1971 को समय-समय पर जारी किए गए पश्चात् दूर्ती संशोधनों सहित, यदि कोई हो सुरक्षा कांच के लिए मानक विनिर्देश के रूप में मान्यता दृष्टी है।"

[सं. 6(27)/72-है आई एण्ड ई]

ORDER

S.O. 456.—In exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), it is necessary and expedient to amend the notification of the Government of India in the late Ministry of Commerce No. 2835, dated the 21st September, 1966, relating to safety glass, in the manner specified below for the development of the export trade of India;

And whereas the Central Government has formulated the proposals specified below for the said purpose and has for-

warded the same to the Export Inspection Council, as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objection or suggestion with respect to the said proposals may forward the same within thirty days of the date of publication of this Order in the Official Gazette to the Export Inspection Council, "World Trade Centre", 14/1R Ezra Street (7th floor), Calcutta-1.

PROPOSALS

The notification of the Government of India in the late Ministry of Commerce No. S.O. 2835, dated the 21st September, 1966, shall be amended as follows, namely:—

- In paragraph 1 of the said notification, for sub-paragraph (3), the following sub-paragraph shall be substituted, namely:—

"(3) recognises the Indian Standard Specification IS-2553-1971 for safety glass with subsequent amendments, if any, issued from time to time by the Indian Standards Institution, as the standard specification for safety glass."

[No. 6(27)/72-EI&EP]

आदेश

का. आ. 457.—यस: केन्द्रीय सरकार की राय है कि नियति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शरीकतयों का प्रयोग करते हुए भारत के नियति व्यापार के विकास के लिए, भारत सरकार के भूतपूर्व वाणिज्य मंत्रालय की मानव कौशल से सम्बन्धित अधिसूचना सं. का. आ. 1608, तारीख 3 मई, 1968 में निम्नलिखित रीत से संशोधन करना आवश्यक तथा समीचीन है;

और यह: केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट प्रस्ताव बनाए हैं तथा उन्हें नियति (क्वालिटी नियंत्रण और निरीक्षण) नियम 1964 के नियम 2 के उप-नियम (2) द्वारा यथा अपेक्षित नियति निरीक्षण परिषद को भेज दिए हैं:

अतः अब, उक्त उप-नियम के अनुसरण में तथा भारत सरकार के विद्युश व्यापार मंत्रालय की अधिसूचना सं. का. आ. 3275, तारीख 8 अक्टूबर, 1970 को अधिकांत करने हुए, केन्द्रीय सरकार उनसे संभाव्यता: प्रभावित होने वाले जनसाधारण की जानकारी के लिए उक्त प्रस्ताव एतद्वारा प्रकाशित करती है।

एतद्वारा सूचना दी जाती है कि उक्त प्रस्तावों के बारे में कोई आशेष या सुझाव भेजने की आंदोलन करने वाला कोई व्यक्ति उसे इस आदेश के राजपत्र में प्रकाशित होने की सारीख के तीस दिन के भीतर नियति निरीक्षण परिषद "बल्ड ट्रैड सेन्टर", 14/1 बी, एजरा स्ट्रीट (सातवीं मंजिल), कलकत्ता-1 को भेज सकेगा।

प्रस्ताव

भारत सरकार के भूतपूर्व वाणिज्य मंत्रालय की अधिसूचना सं. का. आ. 1608 तारीख 3 मई, 1968 के उपार्ध के स्थान पर निम्नलिखित उपार्ध प्रतिस्थापित किया जाएगा, अधिसिः—

"उपार्ध"

(क) विनिर्दिष्ट मानव कौशल के लिए विनिर्देश—मानव कौशल पूर्णतया तंचायर किए गए (दुगुनी मात्रा में सुलभात्य गए), अच्छी तरह से घूले हुए, सुखाए हुए तथा तेल, वसा, गन्दगी, जूँआँ, रसायन तथा अन्य अशुद्धताओं से रीहत तथा दोनों सिरों से कटे हुए होंगे। ये नियतिकृत व्यापार की घोषणा के अनुराग यहां नीचे दिए गए विनिर्देशों के अनुरूप होंगे:—

क्रम संख्या	श्रेणी—प्राकार	बंडल की लम्बाई
1	2	3
1. ट्रॉफ़िक्		
2. 5. 1 सें.मी० से 10. 2 सें.मी० (2°-4°)	10. 2 सें.मी० (4. 00°), लेकिन 12. 7 सें.मी० (5. 0°) से कम	
3. 7. 6 सें.मी० से 12. 7 सें.मी० (3°-5°)	12. 7 सें.मी० (5. 0°), लेकिन 15. 2 सें.मी० (6. 0°) से कम	
4. 10. 2 सें.मी० से 15. 2 सें.मी० (4°-6°)	15. 2 सें.मी० (6. 0°) लेकिन 17. 8 सें.मी० (7. 0°) से कम	
5. 12. 7 सें.मी० से 17. 8 सें.मी० (5°-7°)	17. 8 सें.मी० (7. 0°) लेकिन 20. 3 सें.मी० (8. 0°) से कम	
6. 15. 2 सें.मी० से 20. 3 सें.मी० (6°-8°)	20. 3 सें.मी० (8. 0°) लेकिन 22. 9 सें.मी० (9. 0°) से कम	
7. 17. 8 सें.मी० से 22. 9 सें.मी० (7°-9°)	22. 9 सें.मी० (9. 0°) लेकिन 25. 4 सें.मी० (10. 0°) से कम	
8. 20. 3 सें.मी० से 25. 4 सें.मी० (8°-10°)	25. 4 सें.मी० (10. 0°) लेकिन 27. 9 सें.मी० (11. 0°) से कम	
9. 22. 9 सें.मी० से 27. 9 सें.मी० (9°-11°)	27. 9 सें.मी० (11. 0°) लेकिन 30. 5 सें.मी० (12. 0°) से कम	
10. 25. 4 सें.मी० से 30. 5 सें.मी० (10°-12°)	30. 5 सें.मी० (12. 0°) लेकिन 33. 0 सें.मी० (13. 0°) से कम	
11. 27. 9 सें.मी० से 33. 0 सें.मी० (11°-13°)	33. 0 सें.मी० (13. 0°) लेकिन 35. 6 सें.मी० (14. 0°) से कम	
12. 30. 5 सें.मी० से 35. 6 सें.मी० (12°-14°)	35. 6 सें.मी० (14. 0°) लेकिन 38. 1 सें.मी० (15. 0°) से कम	
13. 33. 0 सें.मी० से 38. 1 सें.मी० (13°-15°)	38. 1 सें.मी० (15. 0°) लेकिन 40. 6 सें.मी० (16. 0°) से कम	
14. 35. 6 सें.मी० से 40. 6 सें.मी० (14°-16°)	40. 6 सें.मी० (16. 0°) लेकिन 43. 2 सें.मी० (17. 0°) से कम	
15. 38. 1 सें.मी० से 43. 2 सें.मी० (15°-17°)	43. 2 सें.मी० (17. 0°) लेकिन 45. 7 सें.मी० (18. 0°) से कम	
16. 40. 6 सें.मी० से 45. 7 सें.मी० (16°-18°)	45. 7 सें.मी० (18. 0°) लेकिन 48. 3 सें.मी० (19. 0°) से कम	
17. 43. 2 सें.मी० से 48. 3 सें.मी० (17°-19°)	48. 3 सें.मी० (19. 0°) लेकिन 50. 8 सें.मी० (20. 0°) से कम	
18. 45. 7 सें.मी० से 50. 8 सें.मी० (18°-20°)	50. 8 सें.मी० (20. 0°) लेकिन 53. 3 सें.मी० (21. 0°) से कम	
19. 48. 3 सें.मी० से 53. 3 सें.मी० (19°-21°)	53. 3 सें.मी० (21. 0°) लेकिन 55. 9 सें.मी० (22. 0°) से कम	
20. 50. 8 सें.मी० से 55. 9 सें.मी० (20°-22°)	55. 9 सें.मी० (22. 0°) लेकिन 58. 4 सें.मी० (23. 0°) से कम	
21. 53. 3 सें.मी० से 58. 4 सें.मी० (21°-23°)	58. 4 सें.मी० (23. 0°) लेकिन 61. 0 सें.मी० (24. 0°) से कम	
22. 55. 9 सें.मी० से 61. 0 सें.मी० (22°-24°)	61. 0 सें.मी० (24. 0°) लेकिन 63. 5 सें.मी० (25. 0°) से कम	

1

2

3

23. 58.4 सें.मी० से 63.5 सें.मी० (23°-25°)
 24. 61.0 सें.मी० मे 66.0 सें.मी० (24°-26°)
 25. 63.5 सें.मी० से 68.6 सें.मी० (25°-27°)
 26. 66.0 सें.मी० से 71.1 सें.मी० (26°-28°)
 27. 68.6 सें.मी० से 73.7 सें.मी० (27°-29°)
 28. 71.1 सें.मी० से 76.2 सें.मी० (28°-30°)
 29. 73.7 सें.मी० से 78.7 सें.मी० (29°-31°) तथा इससे अधिक

- 63.5 सें.मी० (25.0°) लेकिन 66.0 सें.मी० (26.0°) से कम
 66.0 सें.मी० (26.0°) लेकिन 68.6 सें.मी० (27.0°) से कम
 68.6 सें.मी० (27.0°) लेकिन 71.1 सें.मी० (28.0°) से कम
 71.1 सें.मी० (28.0°) लेकिन 73.7 सें.मी० (29.0°) से कम
 73.7 सें.मी० (29.0°) लेकिन 76.2 सें.मी० (30.0°) से कम
 76.2 सें.मी० (30.0°) लेकिन 78.7 सें.मी० (31.0°) से कम

4

- 55.9 सें.मी० (22.0°) लेकिन 63.5 सें.मी० (25.0°) से कम
 58.4 सें.मी० (23.0°) लेकिन 66.0 सें.मी० (26.0°) से कम
 61.0 सें.मी० (24.0°) लेकिन 68.6 सें.मी० (27.0°) से कम
 63.5 सें.मी० (25.0°) लेकिन 71.1 सें.मी० (28.0°) से कम
 66.0 सें.मी० (26.0°) लेकिन 73.7 सें.मी० (29.0°) से कम
 68.6 सें.मी० (27.0°) लेकिन 76.2 सें.मी० (30.0°) से कम
 71.1 सें.मी० (28.0°) लेकिन 78.7 सें.मी० (31.0°) से कम

5

- 61.0 सें.मी० (24.0°) की लम्बाई वाले केवा 10% से अधिक नहीं होंगे
 63.5 सें.मी० (25.0°) की लम्बाई वाले केवा 10% से अधिक नहीं होंगे
 66.0 सें.मी० (26.0°) की लम्बाई वाले केवा 10% से अधिक नहीं होंगे
 68.6 सें.मी० (27.0°) की लम्बाई वाले केवा 10% से अधिक नहीं होंगे
 71.1 सें.मी० (28.0°) की लम्बाई वाले केवा 10% से अधिक नहीं होंगे
 73.7 सें.मी० (29.0°) की लम्बाई वाले केवा 10% से अधिक नहीं होंगे
 76.2 सें.मी० (30.0°) की लम्बाई वाले केवा 10% से अधिक नहीं होंगे

सारणी

(ख) पैक्का (1) मानव केश सफाई से बण्डलों में बांधे जाएंगे और इन बण्डलों का व्यास 15 मि. मी. से अधिक नहीं होना चाहिए तथा इस पर सुतली के 20 लपटे से अधिक नहीं होना चाहिए।

(2) बण्डल एक सिरे से 50 मि. मी. से अधिक दूरी पर बांधे जाएंगे। अधिकतर लम्बाई की दशा में पश्चात् वर्ती गांठों के बीच की दूरी लगभग 75 मि. मी. होंगी।

(3) बण्डलों की वायु-मार्ग छारा भेजने के लिए कार्ड-बोर्ड के छिप्पों में तथा सम्मेलन-मार्ग छारा भेजने के लिए सकड़ी के बक्सों में पैक किया जाएगा।

[सं. 60(27)/67-नि. नि. तथा नि. सं.]

ORDER

S.O. 457.—Whereas the Central Government is of opinion that, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), it is necessary and expedient to amend the notification of the Government of India in the late Ministry of Commerce No. S.O. 1608, dated the 3rd May, 1968 regarding Human Hair in the manner specified below for the development of the export trade of India;

And whereas the Central Government has formulated the proposals specified below for the said purpose and has forwarded the same to the Export Inspection Council as

required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, and in supersession of the notification of the Government of India in the Ministry of Foreign Trade, No. S.O. 3275 dated the 6th October, 1970, the Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objection or suggestion with respect to the said proposals may forward the same within thirty days of the date of the publication of this Order in the Official Gazette to the Export Inspection Council, "World Trade Centre", 14/1B, Ezra Street (7th floor), Calcutta-1.

PROPOSALS

In the notification of the Government of India, in the late Ministry of Commerce, No. S.O. 1608, dated the 3rd May, 1968, for the Annexure, the following Annexure shall be substituted, namely:—

"The Annexure

Specifications for the Human Hair.

A. *Specifications:*—The human hair shall be fully processed (double drawn), well washed, dried and free from oil, fat, dirt, lice, chemical and other impurities and cut at both ends. It shall conform to the specifications given hereunder as per the declaration on the exporter:—

Sl. No.	Grade-size 1 2	Bundle length 3
1. Tukkus		
2. 5.1 cms-10.2 cms (2"-4")	10.2 cms (4.0") to below 12.7 cms (5.0")	
3. 7.6 cms-12.7 cms (3"-5")	12.7 cms (5.0") to below 15.2 cms (6.0")	
4. 10.2 cms-15.2 cms (4"-6")	15.2 cms (6.0") to below 17.8 cms (7.0")	
5. 12.7 cms-17.8 cms (5"-7")	17.8 cms (7.0") to below 20.3 cms (8.0")	
6. 15.2 cms-20.3 cms (6"-8")	20.3 cms (8.0") to below 22.9 cms (9.0")	
7. 17.8 cms-22.9 cms (7"-9")	22.9 cms (9.0") to below 25.4 cms (10.0")	
8. 20.3 cms-25.4 cms (8"-10")	25.4 cms (10.0") to below 27.9 cms (11.0")	
9. 22.9 cms-27.9 cms (9"-11")	27.9 cms (11.0") to below 30.5 cms (12.0")	
10. 25.4 cms-30.5 cms (10"-12")	30.5 cms (12.0") to below 33.0 cms (13.0")	
11. 27.9 cms-33.0 cms (11"-13")	33.0 cms (13.0") to below 35.6 cms (14.0")	
12. 30.5 cms-35.6 cms (12"-14")	35.6 cms (14.0") to below 38.1 cms (15.0")	
13. 33.0 cms-38.1 cms (13"-15")	38.1 cms (15.0") to below 40.6 cms (16.0")	
14. 35.6 cms-40.6 cms (14"-16")	40.6 cms (16.0") to below 43.2 cms (17.0")	
15. 38.1 cms-43.2 cms (15"-17")	43.2 cms (17.0") to below 45.7 cms (18.0")	
16. 40.6 cms-45.7 cms (16"-18")	45.7 cms (18.0") to below 48.3 cms (19.0")	
17. 43.2 cms-48.3 cms (17"-19")	48.3 cms (19.0") to below 50.8 cms (20.0")	
18. 45.7 cms-50.8 cms (18"-20")	50.8 cms (20.0") to below 53.3 cms (21.0")	
19. 48.3 cms-53.3 cms (19"-21")	53.3 cms (21.0") to below 55.9 cms (22.0")	
20. 50.8 cms-55.9 cms (20"-22")	55.9 cms (22.0") to below 58.4 cms (23.0")	
21. 53.3 cms-58.4 cms (21"-23")	58.4 cms (23.0") to below 61.0 cms (24.0")	
22. 55.9 cms-61.0 cms (22"-24")	61.0 cms (24.0") to below 63.5 cms (25.0")	
23. 58.4 cms-63.5 cms (23"-25")	63.5 cms (25.0") to below 66.0 cms (26.0")	
24. 61.0 cms-66.0 cms (24"-26")	66.0 cms (26.0") to below 68.6 cms (27.0")	
25. 63.5 cms-68.6 cms (25"-27")	68.6 cms (27.0") to below 71.1 cms (28.0")	
26. 66.0 cms-71.1 cms (26"-28")	71.1 cms (28.0") to below 73.7 cms (29.0")	
27. 68.6 cms-73.7 cms (27"-29")	73.7 cms (29.0") to below 76.2 cms (30.0")	
28. 71.1 cms-76.2 cms (28"-30")	76.2 cms (30.0") to below 78.7 cms (31.0")	
29. 73.7 cms-78.7 cms (29"-31") and above		
	Hair length 4	Tolerance 5
Less than 10.2 cms (4")		Hair more than 10.2 cms (4") shall not exceed 20%
5.1 cms (2.0") to below 12.7 cms (5.0")		Hair below 10.2 cms (4") shall not exceed 20%
7.6 cms (3.0") to below 15.2 cms (6.0")		Hair below 12.7 cms (5") shall not exceed 20%
10.2 cms (4.0") to below 17.8 cms (7.0")		Hair below 15.2 cms (6") shall not exceed 20%
12.7 cms (5.0") to below 20.3 cms (8.0")		Hair below 17.8 cms (7") shall not exceed 20%
15.2 cms (6.0") to below 22.9 cms (9.0")		Hair below 20.3 cms (8") shall not exceed 20%
17.8 cms (7.0") to below 25.4 cms (10.0")		Hair below 22.9 cms (9") shall not exceed 20%
20.3 cms (8.0") to below 27.9 cms (11.0")		Hair below 25.4 cms (10") shall not exceed 10%
22.9 cms (9.0") to below 30.5 cms (12.0")		Hair below 27.9 cms (11") shall not exceed 10%
25.4 cms (10.0") to below 33.0 cms (13.0")		Hair below 30.5 cms (12") shall not exceed 10%
27.9 cms (11.0") to below 35.6 cms (14.0")		Hair below 33.0 cms (13") shall not exceed 10%
30.5 cms (12.0") to below 38.1 cms (15.0")		Hair below 35.6 cms (14") shall not exceed 10%
33.0 cms (13.0") to below 40.6 cms (16.0")		Hair below 38.1 cms (15") shall not exceed 10%
35.6 cms (14.0") to below 43.2 cms (17.0")		Hair below 40.6 cms (16") shall not exceed 10%
38.1 cms (15.0") to below 45.7 cms (18.0")		Hair below 43.2 cms (17") shall not exceed 10%
40.6 cms (16.0") to below 48.3 cms (19.0")		Hair below 45.7 cms (18") shall not exceed 10%
43.2 cms (17.0") to below 50.8 cms (20.0")		Hair below 48.3 cms (19") shall not exceed 10%
45.7 cms (18.0") to below 53.3 cms (21.0")		Hair below 50.8 cms (20") shall not exceed 10%
48.3 cms (19.0") to below 55.9 cms (22.0")		Hair below 53.3 cms (21") shall not exceed 10%
50.8 cms (20.0") to below 58.4 cms (23.0")		Hair below 55.9 cms (22") shall not exceed 10%
53.3 cms (21.0") to below 61.0 cms (24.0")		Hair below 58.4 cms (23") shall not exceed 10%
55.9 cms (22.0") to below 63.5 cms (25.0")		Hair below 61.0 cms (24") shall not exceed 10%
58.4 cms (23.0") to below 66.0 cms (26.0")		Hair below 63.5 cms (25") shall not exceed 10%
61.0 cms (24.0") to below 68.6 cms (27.0")		Hair below 66.0 cms (26") shall not exceed 10%
63.5 cms (25.0") to below 71.1 cms (28.0")		Hair below 68.6 cms (27") shall not exceed 10%
66.0 cms (26.0") to below 73.7 cms (29.0")		Hair below 71.1 cms (28") shall not exceed 10%
68.6 cms (27.0") to below 76.2 cms (30.0")		Hair below 73.7 cms (29") shall not exceed 10%
71.1 cms (28.0") to below 78.7 cms (31.0")		Hair below 76.2 cms (30") shall not exceed 10%

- B. *Packing* :—1. Human Hair shall be neatly bundled in bundles of diameter not exceeding 15 mm with not more than 20 rools of twine.
2. The bundle shall be tied at a distance not exceeding 50 mm from one end. In case of larger length, the distance between subsequent ties shall be approximately 75 mm.
3. The bundles shall be packed in card board cartons for transport by air and in wooden cases for transport by sea.

आदेश

का. आ. ४५८.—यतः भारत के नियर्त व्यापार के विकास के लिए मोटर गाड़ी (आटोमोबाइल) के अतिरिक्त पुजारी संघटकों और उपसाधनों को नियर्त के पूर्व क्वारीलटी नियंत्रण और निरीक्षण के अधीन करने के लिए कर्तव्य प्रस्ताव नियर्त (क्वारीलटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 2 के उपरियम (2) व्यापार यथा -अपीक्षा, भारत सरकार के भूतपूर्व वाणिज्य मंत्रालय की अधिसूचना संख्या का. आ. 4463, तारीख 10 दिसम्बर, 1968 के अन्तर्गत भारत के राजपत्र, असाधारण, तारीख 10 दिसम्बर, 1968 भाग 2, खण्ड 3 उपखंड (2) के पृष्ठ 1413-1436 पर प्रकाशित किए गए हैं।

और यतः उससे संभाव्यतः प्रभावी होने वाले सभी व्यक्तियों से १, जनवरी, 1969 तक आक्षण्पत्र और सुझाव मांगे गए हैं;

और यतः उक्त अधिसूचना जनसाधारण की 10 दिसम्बर, 1968 को उपलब्ध की गई थी;

और यतः उक्त प्रारूप पर जनसाधारण से प्राप्त आक्षण्पत्रों और सुझावों पर केन्द्रीय सरकार द्वारा विचार किया गया है;

अतः अब नियर्त (क्वारीलटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा ६ द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए, और भारत सरकार के भूतपूर्व वाणिज्य मंत्रालय के अधिसूचना सं. का. आ. 3224, तारीख ८ सितम्बर, 1967 को अधिकान्त करते हुए, केन्द्रीय सरकार नियर्त निरीक्षण परिषद् से परामर्श करने के पश्चात् और यह राय होने पर कि भारत के नियर्त व्यापार के विकास के लिए ऐसा करना आवश्यक और समीचीन है, एतच्छारा —

- (1) अधिसूचित करती है कि इस आदेश के उपांध १ और २ में दिए मोटर गाड़ी के अतिरिक्त पुजारी, संघटक और उपसाधन नियर्त के पूर्व क्वारीलटी नियंत्रण और निरीक्षण के अधीन होंगे;
- (2) मोटर गाड़ी के अतिरिक्त पुजारी, संघटक और उपसाधन नियर्त (क्वारीलटी नियंत्रण और निरीक्षण) नियम, 1973 के अनुसार निरीक्षण के प्रकार के क्वारीलटी नियंत्रण और निरीक्षण के ऐसे प्रकार के रूप में विनिर्दिष्ट करती है, जो ऐसे मोटर गाड़ी के अतिरिक्त पुजारी, संघटकों और उपसाधनों के नियर्त के पूर्व लागू होंगा।
- (3) (क) इस आदेश के उपांध १ में दिए गए मध्यों के लिए, इस आदेश के उपांध ३ में वर्तीत न्यूतम विनियोग के अधीन रहते हुए, क्रेता और विक्रेता के बीच पाए गए करार के अनुसार संविवात्मक विनियोगों को, (छ) इस आदेश के उपांध २ में दिए गए मध्यों के लिए क्रेता और विक्रेता के बीच पाए गए करार के अनुसार संविवात्मक विनियोगों को,
- (4) अंतर्द्वितीय व्यापार के अनुक्रम में मोटर गाड़ी के किन्हीं ऐसे अतिरिक्त पुजारी, संघटकों और उपसाधनों के नियर्त को तब तक प्रतिविधि करती है, जब तक नियर्त (क्वारीलटी नियंत्रण और निरीक्षण) अधिकान्त नियम, 1963 (1963 का 22) की धारा ७ के अधीन केन्द्रीय सरकार द्वारा स्थापित नियर्त निरीक्षण अभिकरणों में से किसी एक द्वारा जारी किया गया इस प्रभाव का प्रमाणपत्र उसके

साथ न हो कि मोटर गाड़ी के अतिरिक्त पुजारी, संघटकों और उपसाधनों का परेशण क्वारीलटी नियंत्रण और निरीक्षण से संबंधित शासी को पूरा करता है और वह अब नियर्त योग्य है।

2. इस आदेश की कोई भी बात भू-मार्ग, समूद्र-मार्ग या वाय-मार्ग द्वारा मोटर गाड़ी के अतिरिक्त पुजारी, संघटकों और उपसाधनों के नमूनों के भावी ऋतों को किए नियर्त को लागू नहीं होंगी, जिसका पांतपर्यंत निःशुल्क मूल्य केवल 125 रु से अधिक न हो।

3. इस आदेश में :—

- (1) "मोटर गाड़ी" से कोई स्वचालित वो, तीन या अधिक चक्रों का एकल या बहुधरी वाला यान अभिप्रेत है, और
- (2) "मोटर गाड़ी" के अतिरिक्त पुजारी, संघटकों और उपसाधनों से मोटर गाड़ियों और ट्रेसरों में, (याहे धान से मैसन हो या न हो) जिसके अन्तर्गत वह भी है, जो इस आदेश के उपांध १ और २ में दिए गए भूल उत्पाद के लिए प्रतिस्थापन पुजारी के रूप में प्रयुक्त होता है, प्रयुक्त विनियोगित उत्पाद अभिप्रेत है।

4. यह आदेश 17 मार्च 1973 को प्रवृत्त होगा।

उपांधन-१

१. पिस्टन पिन

२. अंतर्वहन-इंजनों के लिए अंतर्गम और निर्वातिक (एजास्ट-वाल्व)

३. संयोजी शताका (कनेक्टिंग रेल), जिसके साथ उसके नट और बोल्ट हैं।

४. एकल सिलिंग्डर इंधन अन्तः क्षेपण (इंजेक्शन) पम्प।

५. मोटर गाड़ी चिक्क्युत हार्न (कंपन प्रकार और वात्सवर प्रकार)।

६. ज्वलन कंडली (इग्निशन कायल)।

७. स्टार्ट-मोटर और उसका आर्मिचर (कंवल 24 दि. धा. (डी. सी.) तक)

८. स्पूलिंग प्लग।

९. मोटर गाड़ी डायनेमों, उसके डार्मेंचर और फील्ड कंडीलियाँ।

१०. अप्रदीप संमजन।

११. मोटरगाड़ी लैम्प (वल्व)

१२. धूरी छड़।

१३. ऑटोमोटिव बैंक लाइनिंग।

१४. बैंक इम।

१५. किंग पिन।

१६. लीप स्प्रिंग और उसके लीप।

१७. शैकल पिन।

१८. मोटरगाड़ी सर्पेशन के लिए कंडीलियी स्प्रिंग।

१९. एंमीटर।

२०. आटोमोटिव द्रवचलिस प्रधात-अवशोषी।

२१. यारपर समैंजन, जिसके अन्तर्गत उसके आर्म और स्लॉड हैं।

उपाधन्ध 2

[नियम 2 (घ) वैधिक]

1. पिस्टन, पिस्टन इंग, सर्कित्स।
2. क्रॉक शाफ्ट।
3. कैम शाफ्ट।
4. राकर-आर्म।
5. वाल्व स्प्रिंग, वाल्व गाइड, वाल्व सार्किग पिन, वाल्व सीट, वाल्व प्यास-राह।
6. सिलिण्डर हैंड, सिलिण्डर ब्लाक।
7. सिलिण्डर के लिए लाइनर।
8. क्लच समंजन, क्लच द्वाब प्लेट, क्लच फॉसिंग, क्लच डिस्क, क्लच स्प्रिंग, क्लच लोवर।
9. तुँड (नाजल), अटोमाइजर फिल्टर इलिमेंट, पम्प इलिमेंट, चूषण वाल्व, निकास वाल्व, सयामक (गवर्नर) डायाफ्राम (मध्यपट), हस्त प्राइमिंग पम्प डायाफ्राम और हैंडन अन्त-क्षेत्रण (इंजेक्शन) पम्प के लिए नटों और चूच्कर्कों (निपस्लों) सहित पाइप (निलिकाएँ)
10. वायु पिस्टर समंजन और उसके पिस्टर इलिमेंट।
11. हैंडन पम्प, स्नैक्स तंत पम्प, तंत फिल्टर समंजन, हैंडन फिल्टर समंजन और उसके पूर्जे।
12. जल पम्प जिसके अन्तर्गत उसके पूर्जे हैं।
13. चाल-भारी (स्पीडोमीटर), तंत द्वाब गेज, हैंडन गेज, तापमात्री (थर्मोसीटर)।
14. चाल-भारी (स्पीडोमीटर), क्लच और छूक के लिए केल।
15. छूक समंजन, मास्टर सिलिण्डर, हिवल सिलिण्डर, उनके पूर्जे और भरमत किट, छूक स्प्रिंग।
16. कार्बरेटर समंजन और उसके एलिमेंट :
17. रॉफ्टेटर और उसके कोरे।
18. विसरक और उसके पूर्जे।
19. स्टार्टर मोटर और डायनमों के लिए कार्बन ब्यूरो और स्प्रिंटों।
20. हार्न रिले, हार्न डायाफ्राम और हार्न क्लट्टेक्ट।
21. प्लेशर यूनिट।
22. वाल्ट्सानियमक।
23. प्रापेलर धूरी डग।
24. यूनिवर्सल जाइंट और उसके पूर्जे।
25. पारंपरण चैन (द्रान्सीमशन चैन)।
26. ह्व।
27. अगेल और पिछोल स्प्रिंग के लिए हंगर ब्रॉकेट, शैकल।
28. प्रधात अवशोषी लिंक।
29. छूक वर्धकब्रूस्टर के लिए चर्म वाशर, स्प्रिंग, लीकिग और केनेशन तथा सिलिण्डर भरमत किट।

30. संपर्णीद्वारा प्रकार के छूक वर्धक (ब्रूस्टर) के लिए पिस्टन, पिस्टन इंग वाल्व डिस्क और चूषण वाल्व टोपी।

31. अगली धूरी का थंध थंड सिरा, हैर्ड लिंक सिरा, लिंग पिन भरमत किट।
32. परहिया-रिम और डिस्क समंजन।
33. थ्राटल कंट्रोल और थ्राटल कंट्रोल ट्यूब।
34. इवार लांक।
35. उत्थापक जॉक।
36. ग्रीज चूच्क (निपस)।
37. सभी प्रकार के गास्केट।
38. सभी प्रकार के तेल-सील।
39. सभी प्रकार के बैंर्यारिंग।
40. सभी प्रकार के गिअर।
41. सभी प्रकार के धातु और रस्त ब्रिशिंग।
42. सभी प्रकार के पासनर, अर्थात् वॉल्ट, चूपेचा, पेच, नट और लाशर।

उपाधन्ध III

1. पिस्टन विनों के लिये विनियोग।

1. विभाएँ
पिस्टनविनों की विभाये निम्नकार्यत महनों के अधीन रहते हुये वेता और नियंत्रिकरण के द्वीच करार किये गये डिजाइन के अनुसार द्वांगी :
2. सहन
 - (1) पिस्टन विन के आवृ व्याम पर सहन ± 0.005 मिमी होगा।
 - (2) पूर्णतः मुक्त विनों के लिये लम्बाई पर गाधारण सहन ± 0.10 मिमी होगा।
 - (3) छोटे लोर पर धूकता से पकड़े हुये विनों के लिये लम्बाई पर गाधारण सहन ± 0.25 मिमी होगा।
3. कठोरता
पिस्टन विन की कठोरता 'C' स्केल पर 58 राकथेल नम्बर से कम नहीं होगी।
4. साधारण
पिस्टन विन वरारों, औजार चिह्नों और अन्य विनियोग लूटियों से मुक्त होगा। तीखे कोरे उपयुक्ततः दालू किये हुये या गेल किये हुये होंगे। पिस्टन विनों का पृष्ठ के ऊपर का पिनिश 20 माइक्रोन से बेहतर होगा।
2. अस्तर्वहन-इंजनों के अन्तर्गत और नियंत्रक (एजास्ट) वाल्व के लिये विनियोग।
1. सामग्री
 - (1) अस्तर्वहन वाल्व किसी उपयुक्त उभा-उपचार योग्य मिश्रधातु इस्पात से विनियमित होंगे, जिनका तत्त्व-सामर्थ्य उभा-उपचार के पश्चात् 80 के० जी० एक०/मिमी०२ के कम नहीं होगा।
 - (2) नियंत्रक (एजास्ट) वाल्व किसी उपयुक्त उभा-प्रतिरोधी मिश्रधातु इस्पात से विनियमित होंगे जिनका तत्त्व-सामर्थ्य उभा उपचार के पश्चात् 80 के० जी० एक०/मिमी०२ से कम नहीं होगा।

2. कठोरता

वाल्वों की, टेपेट फेस पर 35 मी० मी० एन० (या उसके समानुप्रय) सें अधीन कठोरता होगी।

3. विभाई

वाल्वों की विभाई नीचे की सारणी में किये गये निम्नलिखित न्यूनतम सहनों के अधीन रहते हुये, विदेशी ओता और विक्रेता के बीच करार किये गये डिजाइन के अनुसार होंगी।

सारणी

वाल्वों की विभाई पर सहन

क्र० सं०	विभाई	सहन	मिमी
1.	बाल्व स्टेम ल्यास	± 0.000	0.025
2.	बाल्व फेस की बाबत बाल्व स्टेम की संकेन्द्रीयता (50 मिमी० हैड व्याग तक)	0.04	
3.	बाल्व फेस की बाबत बाल्व स्टेम की संकेन्द्रीयता (50 मिमी० और उससे प्रधिक हैड व्यास के लिये)	0.076	
4.	स्टेम की सखलता	0.025	
5.	समग्र लम्बाई	± 0.25	
6.	बाल्व फेस काण	± 0.50	
7.	बाल्व हैड की मोटाई	± 0.25	
8.	बाल्व हैड का व्याग	± 0.05	
9.	अन्य विभाई	± 0.25	

4. साधारण

(1) वाल्वों का विनिर्माण एक्स्ट्रजन या स्प्लून प्रक्रिया द्वारा होगा।

(2) बाल्व चिकना फिनिश किया जायेगा और गलत स्थूलन प्रक्रिया के कारण होने वाले फोलिंग लेप्प और ग्रोजार चिह्नों से मुक्त होगा। बाल्व दरारों और अन्य विनिर्माण त्रुटियों से मुक्त होगा। टेपेट देस पर सतही फिनिश 15 माइक्रोन के बैक्टर होगा।

3. संयोजी शलाका, जिसके अन्तर्गत उसके लट और बोल्ट के लिये विविध।

1. सामग्री

संयोजी शलाका काँड़न या मिश्रधातु इस्पात से गही जायेगी, जिसका न्यूनतम तनन-सामर्थ्य उभ्या-उपचार के पश्चात् 70 के० जी० एफ०/मिमी०² का होगा।

2. कठोरता

फिनिश की गई संयोजी शलाका की कठोरता 200 से 270 शाईल कठोरता संदर्भ (नम्बर) के बीच होगी।

3. अनुप्रस्थ काट (कास सेवण)

संयोजी शलाका का अनुप्रस्थ काट (कास सेवण) I-प्रकार का होगा जिसका शीर्ष और तल गोल होगा। शलाका इस प्रकार गड़ा जायेगा कि उसका लम्बाई का अक्ष धूणन-तल रहे।

4. विभाई

संयोजी शलाका की विभाई निम्नलिखित सहनों के अधीन रहते हुये विक्रेता और विक्रेता के बीच करार किये गये डिजाइन के अनुसार होंगी।

5. सहन

(1) I-सेक्षन के शीर्ष और तल फेजों की बोडाई पर सहन ± 0.60 मी० मी० और -0.40 मी० मी० होगा।

(2) I-सेक्षन के बेब पर सहन ± 0.80 मी० मी० और -0.00 होगा।

(3) I-सेक्षन की उच्चता पर सहन ± 0.12 मी० मी० होगा।

(4) साधारण सहन ± 0.25 मी० मी० होगा।

(5) ऊपर विनिर्दिष्ट से भिन्न आन्तिक सहन, संयोजी शलाका के डिजाइन के अनुसार होगा।

6. संतुलन

एक ही प्रकार और डिजाइन की सभी संयोजी शलाकाये 20 ग्राम के भीतर संतुलित की जायेंगी।

7. सरलता

संयोजी शलाका को गड़ाई, ठुकाई करने के पश्चात् समग्र सम्बाई पर ± 0.10 मी० मी० के सहन के भीतर मरम्म रहेगी।

8. संयोजी शलाका लट बोल्ट और दुपेचा

संयोजी शलाका बोल्ट और दुपेचा उपयुक्त इस्पात से विनिर्मित होंगे जिनका उभ्या उपचार के पश्चात् न्यूनतम तनन-सामर्थ्य 100 के० जी० एफ०/मिमी०² का होगा। संयोजी शलाका नट उपयुक्त इस्पात से विनिर्मित होंगे जिनका उभ्या-उपचार के पश्चात् न्यूनतम तनन सामर्थ्य 86 के० जी० एफ०/मिमी०² का होगा। बोल्ट, मणीन में, इस प्रकार बने होंगे कि उनकी पूरी लम्बाई में एक ममान सामर्थ्य हो। नट और बोल्ट के लिये समुचित लांकिंग-डिवाइस की व्यवस्था होंगी। योंक की बाबत बोल्ट का ड्रेडिंग (रन आउट) 0.02 मी० मी० से प्रधिक नहीं होगा।

9. साधारण

संयोजी शलाका बरारों, आमत्रिक दोपों या अन्तर्वर्णनों और अन्य हानिकर त्रुटियों से मुक्त होंगी।

4. एकल सिसिएल ईधन अन्तःशेषण (इंजेक्शन) परम्परे के लिये विविदता

1. विभाई

पर्म्प की विभाई विक्रेता और निर्यातकर्ता के बीच करार किये गये डिजाइन के अनुसार होंगी।

2. घनावट

ईधन अन्तःशेषण (इंजेक्शन) पर्म्प सर्वांगीम व्यापार-प्रथा के अनुसार उपयुक्त क्वालिटी सामग्री और कारीगरी का समावेश करते हुये यूँ बनाष्ट का होगा।

3. ईधन अन्तर्गत दाब के प्रति कसाव

जब ईधन अन्तःशेषण (इंजेक्शन) पर्म्प 30 सेटीग्रेड पर रखे गये परीक्षण तेल (कोई इस्का और रसायन-प्रक्रिया तेल) में छुआया जाये और ईधन अन्तर्गत पर 1 के० जी० एफ०/मी०² का बायु दाब डाला जाये तो पर्म्प के किसी भी भाग से बायु का कोई रिसाव (लीक) नहीं होगा।

4. अन्तःशेषण (इंजेक्शन) दाब के प्रति कसाव

ईधन अन्तःशेषण (इंजेक्शन) पर्म्प को जब 175 के० जी० एफ०/मी०² के० 2 के० त्रुट्डमोम्पत (नाजल रिलीज) दाब के प्रति 300 सेटीग्रेड पर परीक्षण तेल के साथ प्रचालित किया जाये तो निकास बाल्व और पर्म्प बाड़ी के बीच कोई रिसाव (लीक) नहीं विकार्य होगा।

5. पर्म्प निस्सरण

पर्म्प-निस्सरण नियत किये गये निस्सरण के ± 10 प्रतिशत के भीतर होगा।

5. लोड गाड़ी विद्युत हार्म (लैप्टप प्रकार और बातस्वर प्रकार)
के लिये विनियंत्रण

1. विभाग

हार्म की विभावें त्रिवा और नियमिकरण के बीच कशार किये गये डिजाइन के अनुसार होंगी।

2. प्रबल-व्यवस्था विवरण

किसी विशिष्ट माडल और प्रकार के संघटक अदल-व्यवस्था योग्य होंगे। हार्म की स्थापन (माउंटिंग) अवश्या ऐसे डिजाइन की होंगी कि एक मेक और प्रकार का हार्म दूसरे से आसानी से बदलने योग्य हो।

3. कार्य

हार्म, हार्म की तियत की गई बोल्टता के + 33% और - 15% पर चालू दणा में संतोषजनक रूप से कार्य करेगा।

4. हार्म नियन्त्रित परखें संतोषजनक रूप से महन करने में समर्थ होगा।

(1) उच्च बोल्टता परख—परख—पुरजा संधारित्र और आन्तरिक स्थल (इंटरनल आउट) से अलग किया जायगा और किसी एक टमिनल और ग्राउंड के बीच 50 मी०/एम० पर 500 बोल्ट आर० एम० एम० की प्रत्यावर्ती धारा से 30 सेकेन्ड विद्युतीकरण के अधीन होगा। परख-पुरजा आकिंग या पंक्षर विना यह परख समाप्तप्रद सहन होगा।

(2) लोड परख—हार्म की लोड धारा नियन्त्रित मानों से अधिक नहीं होगी।

हार्म की नियन्त्रित बोल्टता	अधिकतम धारा	
प्रबल प्रकार के लिये बात-स्वर प्रकार	के लिये	
2.4 बोल्ट तक	ग्रैम्पियर	प्रैम्पियर
1.2 बोल्ट तक	8.4	6.0
1.2 बोल्ट तक	5.5	10.0
6 बोल्ट तक	7.7	15.0

(3) अस्प परख-हार्म समंजन लकड़ी के समतल प्राधार पर कमा जायेगा और 5 सें मी० की ऊंचाई के अवधार के रूप से गिरने दिया जायेगा। हार्म ऐसे 50 बार लगातार गिराया जायेगा। इसके पश्चात् हार्म पर नुकसान का कोई निशान नहीं होगा और स्पृष्ट 4.2 में यथा विनियित लोड परख में ब्लर उत्तरेगा।

(4) अस्प बलता परख—यह परख चिह्नान वायुसंडली उत्तराओं के अधीन की जा सकेगी और पाण्डव घोर का स्तर ऐसा होगा कि घोर धारा मीटर पर उत्पन्न पाठ्यांक परमाणीन हार्म ढूँढ़ा उत्पन्न किये गये (घोर) से कम से कम 10 dB के नीचे हो। परख या तो प्रतिष्ठान-हीन कमरे में या किसी खुले स्थान पर की जा सकेगी जहाँ 1.2 मीटर त्रिज्या के भीतर कोई अवरोध और होन वहाँ कोई एकास्टिकल पीसन प्रभाव या निकट की समानान्तर दीवारें नहीं होगी। हार्म इस प्रकार स्थित किया जायेगा कि हार्म से उत्सर्जित ध्वनि-तरंगे समतल में लगाये गये छवनि स्तर मीटर (साउण्ड लेवल मीटर) के माइक्रोफोन की ओर लक्षित होगी। माइक्रोफोन ऐसी स्थिति में रखा जायेगा कि वह रेडिएंटिंग हार्म के अक्षय पर हो और यह कि ध्वनि-तरंगे उसके द्वायाकाम से प्रान्तिकिंग समानान्तर पर हो। इस परख के लिये ध्वनि स्तर मीटर पर बैटरी नेटवर्क कर्वे का उपयोग किया जायेगा। डायाफोम स्तर और माइक्रोफोन के केन्द्र के बीच की दूरी 200±1 सें मी० होगी। माइक्रोफोन बाल में या ऊपर और नीचे बैठाया जायेगा जिससे कि उत्तरात्म मीटर पाठ्यांक प्राप्त हो सके। हार्म

का मापित छवनि दाय स्तर हार्म को उमड़ी नियत की गई बोल्टता से अलोकित किये जाने पर कंगन प्रकार के लिये 90 और 115 dB के बीच और बातस्वर प्रकार के लिए 115 और 125 dB के बीच होगा।

5. पैन्ट बढ़ाना

पैन्ट चढ़ी मतहै एक ममान, कठोर शुष्क और आसंजित होंगी। पैन्ट चढ़ी सतहों आ आसंजन जोखने के लिये उपयुक्त परख की जायेगी।

6. साधारण

हार्म संमजन बनावट और विनिर्माण सम्बन्धी वृद्धियों से मुक्त होगा।

6. उच्चतम कुंडलियों (कायलों) के लिये विनियंत्रण

1. सामग्री

उच्चतम कुंडलियों (कायल) दोषों से मक्त अधिकतम उपयुक्त सामग्रियों से बनी होंगी और उच्चकटिबंध में प्रयोग के लिये उपयुक्त होंगी। बनावट में प्रयुक्त कोई सामग्री सहज उच्चतमशील नहीं होगी। प्रयुक्त कोई सामग्री या तो सभी प्रकार की अद्वृद्धशास्रों के लिये अनावरण के अधीन स्वाभाविक रूप से स्थिर होगी या उसके लिये सभी सतहों पर सिरों पर सतह-उपचार किया होगा, जो सभी मशोनी और गवाई प्रक्रियाओं को पूरा करने के पश्चात् प्रयुक्त किया जायेगा ताकि भौसम में खुला रहने पर सामग्री की स्थिरता सुनिश्चित हो सके। कोई भी आश्रितामाही सामग्री नद्द तक प्रयुक्त नहीं की जायेगी जब तक उसे पहले ही आर्द्धनामह न किया गया हो।

2. बनावट

(1) उच्चतम कुंडलियों (कायलों) का डिजाइन इस प्रकार किया जायेगा कि वे नमी लेपेटन में विनियित उभा और किरीट को कोरोना के प्रभाव को सहन करें।

(2) उच्चतम कुंडलियों (कायलों) को तेल या पैराफीन प्रकार की सामग्री जैसी विद्युत-रोपन सामग्री से भय जाएगा। विद्युत रोधर की व्यवस्था करने के अतिरिक्त, तेल या अन्य सामग्री द्रुत धाय की व्यवस्था करेगी और कोरोना प्रभावों को नियन्त्रित रखेगी।

(3) प्रबलोपण नमी से उच्चतम कायलों को रोकने के लिये उन्हें संमुद्रित किया जायेगा।

3. विभावें

उच्चतम कायल की समग्र विभावें, विंडी जैवा और विकेता वे बीच करार किये डिजाइन के अनुभाव होंगी।

4. कारीगरी और फिलिं

सभी पुर्जे, चालू इंजीनियरी प्रथा के अनुभाव पूरी तरह कुशल कारी-गरी से विनियित होंगे। पैन्ट बढ़ने वाली सभी इस्पात सतहों पर पैन्ट करने के पूर्व प्रयुक्ततः पूर्व उपचार किया जायेगा।

5. प्रबल-व्यवस्था विवरण

(1) किसी विशिष्ट माडल और प्रकार के संघटक अदल-व्यवस्था प्राप्त होंगी।

(2) उच्चतम कुंडलियों (कायलों) की स्थापन-व्यवस्था ऐसे डिजाइन की होंगी कि एक मेक और प्रकार आगामी से दूसरे से बदलने योग्य हो।

6. उच्चतम कुंडलि (कायल) नियन्त्रित परख संतोषजनक रूप से महन करने में समर्थ होंगी।

(1) विद्युत-रोधी प्रतिरोध (शुष्क) परख

(i) मह परख प्रबलित वायुसंडलीय तापमान और आर्द्धना पर की जा सकेगी।

(ii) विद्युतरोधी प्रतिरोध कायल प्रारंभिक टमिनल और वाल्स ग्रावरण के बीच एक मिनट तक 500 मी० के बिंदु ध्रा० बोल्टटा का अनुप्रयोग करके मापा जायेगा।

(iii) इस प्रकार मापित विद्युत रोधन प्रतिरोध मान 10 मेश्म से कम नहीं होगा।

(2) गौण बोल्टटा-कायल पट्टें उच्चवृक्ष वितरक या संपर्क ब्रेकर के माथ किट किया जायेगा और उसकी कमशः 7.2 और 7.3 में यथा विनिर्विष्ट उच्च तापमान और निम्न बोल्टटा पर प्रचालन के लिये परख की जायेगी। इन दशाओं के अधीन उच्च तापमान पर प्रचालन हेतु परख के लिये कोई भी मिसफार्यरिंग नहीं होगा। यतः मिसफार्यरिंग का अनुपात प्रतिशत, निम्न बोल्टटा पर प्रचालन के लिये परख की दणा में, 25 से अधिक नहीं होगा। स्फुलिंग अन्तराल 6 मि० मी० पर रखा जायेगा।

* (3) उच्च तापमान पर प्रचालन के लिये परख कायल को 60 मिनट से अन्यून तक 90° से० पर आप में रखने के पश्चात् उच्च तापमान पर प्रचालन के लिये परख निम्नलिखित दशाओं के अधीन की जायेगी:—

(क) शक्ति प्राप्त

6 वो प्रकार के लिये	6 वो
12 वो प्रकार के लिये	12 वो
24 वो प्रकार के लिये	24 वो

(ख) लोड प्रतिरोध

(1) कायल और वितरक के बीच	10000 ओम
(2) तीन इलैक्ट्रोडों के साथ वितरक और स्फुलिंग अन्तर के बीच	10000 ओम
(3) एक मात्र संपर्क ब्रेकर के साथ	20000 ओम
(ग) वितरक या संपर्क ब्रेकर की धूर्णन गति	3000 स्फुलिंग/मिन.

(4) निम्न बोल्टटा पर प्रचालन के लिये परख्यह परख निम्नलिखित दशाओं के अधीन प्रचालित वायुमण्डलीय तापमान और आर्द्धता में की जायेगी:—

(क) शक्ति प्रदाय

6 वो प्रकार के लिये	4 वो
12 वो प्रकार के लिये	8 वो
24 वो प्रकार के	10 वो

(ख) लोड प्रतिरोध

(1) कायल और वितरक के बीच	10000 ओम
(2) तीन इलैक्ट्रोडों के साथ वितरक और स्फुलिंग अन्तर के बीच	10000 ओम
(3) एकमात्र संपर्क ब्रेकर के साथ	20000 ओम
(ग) वितरक या संपर्क ब्रेकर की धूर्णन गति	900 स्फुलिंग/मिन.

(5) उच्च बोल्टटा परखकायल को 60 मिनट से अन्यून तक वायु में 90° से० पर रखने के पश्चात् उच्च बोल्टटा परख संचालित की जायेगी। कायल नीचे विनिष्टि दशाओं के अधीन एक मिनट से अधिक तक उच्च बोल्टटा परख नहन करने में समर्थ होगी। जब कोई विद्युत रोगी बीच में रखा जाये तो, वह

लेपिटकल सामग्री भंग नहीं होगी या उच्च तापमान कनेक्शन से अण्डीचित नहीं होगी।

(क) शक्ति प्रदाय

6 वो प्रकार के लिये	8 वो
12 वो प्रकार के लिये	15 वो
24 वो प्रकार के लिये	30 वो

(ख) लोड प्रतिरोध

(1) कायल और वितरक के बीच	10000 ओम
(2) तीन इलैक्ट्रोडों के साथ वितरक और स्फुलिंग अन्तर के बीच	10000 ओम
(3) एक मात्र संपर्क ब्रेकर के साथ	20000 ओम

(ग) वितरक या संपर्क ब्रेकर को धूर्णन गति 12000 स्फुलिंग/मिन.

6. लोड परख-प्रारंभिक कायल 3 घंटे से अन्यून तक नियत बोल्टटा से जोड़ी जायेगी। इस परख की समाप्ति पर किसी तुकसान के लक्षण के लिये कायल की लपेटन या अन्य पुज़ों की परीक्षा की जायेगी और उसकी यथा निम्नलिखित निष्पादन परख की जायेगी :

(क) शक्ति प्रदाय

6 वो प्रकार के लिये	6 वो
12 वो प्रकार के लिये	12 वो
24 वो प्रकार के लिये	24 वो

(ख) लोड प्रतिरोध

(1) कायल और वितरक के बीच	10000 ओम
(2) तीन इलैक्ट्रोडों के साथ वितरक और स्फुलिंग अन्तर के बीच	10000 ओम
(3) एकमात्र संपर्क ब्रेकर के साथ	2000 ओम

(ग) वितरक या संपर्क ब्रेकर की धूर्णन गति 12000 स्फुलि/मिन.

6. लोड परख-प्रारंभिक कायल 3 घंटे से अन्यून तक नियत बोल्टटा से जोड़ी जायेगी। इस परख की समाप्ति पर किसी तुकसान के लक्षण के लिये कायल की लपेटन या अन्य पुज़ों की परीक्षा की जायेगी और उसकी यथा निम्नलिखित निष्पादन परख की जायेगी :

(क) शक्ति प्रदाय

6 वो प्रकार के लिये	6 वो
12 वो प्रकार के लिये	12 वो
24 वो प्रकार के लिये	24 वो

(ख) लोड प्रतिरोध

(1) कायल और वितरक के बीच	10000 ओम
(2) तीन इलैक्ट्रोडों के साथ वितरक और स्फुलिंग अन्तर के बीच	10000 ओम
(3) एकमात्र संपर्क ब्रेकर के साथ	20000 ओम

(ग) वितरक या संपर्क ब्रेकर की धूर्णन गति 500 रिव/मिन.

(7) जब इन दशाओं में परख की जाये तो कोई मिसफार्यरिंग नहीं होगा

(i) नमी, प्रतिरोध के लिये परख, कायल को 48 घंटे तक 95/में अन्यून सापेख आर्द्धता के साथ आर्द्धता और अन्य 50° के 60° से० तक के तापमान में रखा जायेगा। इस के पश्चात् कायल को आर्द्धता और अन्य 50° से० तक के तापमान में रखा जायेगा और वह यथा

निम्नलिखित नियावत परख के लिये 10 मिनट तक रखा
जायेगा :—

(क) शक्ति प्रवाय

6—बो प्रकार के लिये	6 चौ
12—बो प्रकार के लिये	12 बो
24—बो प्रकार के लिये	24 बो

(ख) लोड प्रतिरोध

(1) काथल और वितरक के बीच	1000 ⁰ भ्रोम
(2) तीन इलेक्ट्रोडों के साथ वितरक और स्फुलिंग अन्तर के बीच	10000 भ्रोम
(3) एकमात्र संपर्क ब्रेकर के साथ	2000 ⁰ भ्रोम
(ग) वितरक संपर्क ब्रेकर की घूर्णन गति	500 रिक्स/मिन

(ii) हरमिटी—सील परख

इस परख का उद्देश्य द्रव पदायथ से भरे हुये ज्वलन कायलों की हरमिटी सीलों की प्रभावशीलता का अध्यारण करने के लिये है। यह परख वहां साधू होगा जहां प्रसामान्य तापमान पर भराई ठोत है, किन्तु परख तापमान पर इत्थ बन जायेगी।

(क) अनुकूलन—ज्वलन कायल को, उसकी सीलों को नीचे करके परिसंचारी ताप वायु के साथ भृती में रखा जायेगा और उसे तब तक तप्त वायु के साथ भृती में रखा जायेगा और उसे तब तक तप्त किया जाएगा जब तक पात्र तापमान 100⁰ से 0 के ऊपर 1⁰ से 0 से 5⁰ से 0 तक है तथा इस तापमान पर 10 मिनट तक रखा जायेगा। ज्वलन कायल तब भट्टी से हटा दिया जायेगा और 27⁰ ± 1⁰ से 0 मी.0 के तापमान में 10 मिनट तक रहने दिया जायेगा एक से अधिक पेस पर सीलों के साथ ज्वलन कायल को घूर्णित किया जाएगा ताकि प्रत्येक ऐसा पेस नीचे की स्थिति में हो और उपरोक्त अधिकाधिक प्रक्रिया प्रत्येक स्थान के लिये मुहराई जायेगी।

(ख) तरल नियंत्रण के लिये नमूने की परीक्षा की जायेगी; चाकुन परीक्षा द्वारा यथा अधिकारित कोई की नियंत्रण नहीं होगा।

7. प्रवर्तक (स्टार्टर) मोटर और उसके आमचर के लिये विनियोग (केल 24 बोल्ट दि० धा० तक)

1. चाक्षण परीक्षा

प्रवर्तकों (स्टार्टरों) की परीक्षा फिनिश और फिर परिक्रामी पुर्जों में पर्याप्त स्नेहन के लिये की जायेगी। सभी पुर्जे उचित रूप से फिनिश किये होंगे और हानिकारक वृद्धियों, दोषों या बरारों से मुक्त होंगे।

2. विमाएं

स्टार्टर की विमाएँ, प्रकार और रेटिंग (वर्गन्त्रम) विवेशी नेता और विकेता के नीचे करार के अनुसार होंगी।

3. स्टार्टर निम्नलिखित परख संतोषजनक रूप से महन करने में समर्प होंगी।

(1) क्षणदीप्ति परख (फैश)— क्षणदीप्ति परख, स्टार्टर के अपने प्रचालन तापमान पर पढ़ूचने के ठीक पश्चात् प्रामान्य कक्ष वशाओं में की जायेगी। परख स्टार्टर के टर्मिनलों और वाह्य धातु पुर्जा के बीच 50 सी०/एम० की आयूर्मि वासे 500 बोल्ट आर० एस० एस० की प्र० धा० (प्रत्यावर्ती धारा) का पांच सेकंड तक अनुप्रयोग करके की जायेगी। उदाहरणार्थ, यदि प्राकाशक हुआ, यदि टर्मिनलों में से किसी को अन्तः भूसंपर्कित कर दिया जाता है तो भूमि से कनेक्शन काटा जा सकेगा

इस परख के परिणामस्वरूप पुर्जों में से किसी पुर्जे में कोई ठोलावन, दरार, छुलसन, प्राकिंग या पंक्चर नहीं होगा।

(2) विष्युत रोधन प्रतिरोध परख—स्टार्टर के अपने प्रचालन सापमान पर पढ़ूचने के ठीक पश्चात् परख की जायेगी। स्टार्टरों के टर्मिनलों और वाह्य धातु पुर्जों के बीच 500 बोल्ट की दि० धा० का पांच सेकंड तक अनुप्रयोग करके प्रचलित वायुमंडलीय तापमान और आद्रेता वशाओं के प्रधीन प्रतिरोध मापा जायेगा: उदाहरणार्थ यदि प्राकाशक हुआ, यदि टर्मिनलों में से किसी को अन्तः भूसंपर्कित कर दिया जाता है तो, भूमि से कनेक्शन काटा जा सकेगा। इस प्रकार मापित विष्युत रोधन प्रतिरोध मान एक मेधम से कम नहीं होगा।

(3) निर्धारित चालन परख—नामित बोल्टसा प्रदाय पर, जिन लोड विये हुये पूर्ण गति तक स्टार्टर ज्वाइये विकपरिवर्तक (कम्प्टेटर) पर धूरों का कोई प्रासम्पक स्फुलिंग नहीं होगा और पोलों पर आमेंचर अपर्याप्ति के कारण या उच्च विकपरिवर्तक (कम्प्टेटर) की उच्च शालाकों के कारण कोई अत्यधिक धोर नहीं होगा। इस परख के दौरान कोई असम्पक कंपन नहीं होगा।

(4) कंपन परख—स्टार्टर मोटर उपयुक्त कंपन मशीन पर दृष्टा से लगाई जायेगी और 1.5 मिनी० के आयाम और 30 से 50 सी०/एस० तक के बीच प्रावृति के साथ परख नग के तीन वृहत् अक्ष के प्रत्येक की विशा में एक धंटे की प्रवृद्धि तक उस पर साधारण हायमैनिक कंपन किया जायेगा। स्टार्टर मोटर ने यह परख पास कर सी समझी जायेगी, यदि मोटर को नुकसान होने का कोई सक्षण न हो और उसने खण्ड 3.3 में दिये गये रूप में निर्धारित चालन परख पास की कर सी हो।

4. स्टार्टर मोटर के लाशणिक वक्र (क्रव्व)

निम्नलिखित के लिये लाशणिक वक्र विनिर्दिष्ट वशाओं के प्रधीन विनिर्माता द्वारा प्रकाशित किये जायेंगे और दिये जायेंगे।

(क) बलधा घूर्ण बनाम धारा

(ख) गति बनाम धारा

(ग) टर्मिनलों पर बोल्टसा बनाम धारा

स्टार्टर मोटर ऊपर बर्णित लक्षणों के अनुरूप होगी।

8. स्फुलिंग प्लगों के लिये विनिर्देश

1. विमाये

स्फुलिंग प्लगों की विमाये केवा और विक्रेता के बीच करार के डिजाइन के अनुसार होंगी।

2. सहन

टर्मिनल धूरियों हेस्पारोनल बाही और प्लग धूरियों पर सहन ऐसे होंगे जिससे कि ग्रादल-बदल योग्य पुर्जे की ग्रावल-बदल हो सके।

3. प्रतिग्रहण परख

स्फुलिंग प्लग निम्नलिखित परख सहन करने में समर्थ होंगे:

(1) वाब के प्रधीन स्फुलिंग—कक्ष—तापमान पर 9 के० जी० एफ०/सेमी०² के वाब के प्रधीन स्फुलिंग नियमित और समान तीव्रता का होगा।

(2) विष्युत रोधन प्रतिरोध—500⁰ से० के तापमान पर विष्युत रोधन प्रतिरोध 1 मेधम से कम नहीं होगा।

(3) गैस लीक—200⁰ से० और 15 कि० प्रा०¹ सेमी०² के वाब पर गैस लीक प्रति मिनट 50 एम० एल० से प्रधिक नहीं होगा और 15 कि० प्रा० एफ०/सेमी०² के वाब और कक्ष

तापमान पर गैस लोक प्रतिशत ५ एम० एल० से अधिक नहीं होगा।

(4) थर्मल प्रधात परख—जब 'थर्मल प्रधात परख' की जाये जब, विद्युत रोधक पर कोई दरार नहीं होगी। थर्मल प्रधात परख एकमात्र विद्युत-गेहूकपर, विद्युत रोधक के पास की आधी लम्बाई तक ५००° सें० पर रखे गये पिंपले हुये टिन थाथ में उसे चुना कर की जायेगी और ४ मिनट तक उस स्थिति में रखा जायेगा तब उसके पश्चात् बाहर निकाल लिया जायगा और कक्ष तापमान तक उसे ठंडा होने विद्या जायगा। इसके पश्चात् विद्युत रोधकमेथिल अल्कोहल में विलिन ०.५ प्रतिशत पुस्तीत वासे अल्कोहल पुस्तीन लैल के समान रंगक भाष्यम में डुबोया जायगा। इस परख के पश्चात् विद्युत रोधक दरारों से मुक्त होगा।

(5) बल आधूर्ण परख—स्पूलिंग प्लग को सच्च बनाये हुये इस्पात ब्लाक में कसने के बाद उसके गले पर बल आधूर्ण रेज डारा ५ के० जी० एफ० एम० का बलआधूर्ण डाला जाये, तो उसकी चूँडियों पर (गोल पर) कोई टूट फूट नहीं होगा।

(6) संवाता परख—प्लग १.५ के० जी० एफ० से—०० ५० शक्ति को सहन करने में समर्थ और सत टूटन संभावन शक्ति ३ के० जी० एफ० सेसी० होगा।

4. साधारण

स्पूलिंग प्लग विनिर्माण और बनावट त्रृटियों से मुक्त होगे।

9. मोटरनाड़ी डायनेमों, उसके आर्मेंचरों और फिल्ड कायलों के लिये विनिर्देश

1. सामग्री और बनावट

1. आम्प्लॉयर (विक परिवर्तक)

कम्प्लॉटर बंड, ९७ प्रतिशत से अन्यून चालकसा बाले धातु के बने होंगे। विद्युत रोधक बिलगक, अब्रक, निर्मित अब्रक, या ऐजिन घारद एसबोस्टप्स या स्मरण सामग्री से बने होंगे। कम्प्लॉटर बायीन पर टर्नी किया जायगा और जब वी ब्लाकों के बीच बायल गेज में परख की जाय तो इस का शलाका से शलाका परक ०.००५ मि० भी० से अधिक नहीं होगा और इसकी विद्यमान कुल जायल पाठ्यांक पर ०.०५ मी० सी० से अधिक नहीं होगी।

(2) फिल्ड कायल

फिल्ड कायल का कुल प्रतिरोध नियत प्रतिरोध के ± 5 प्रतिशत के भीतर होगा। फिल्ड कायलों का आकार एक समान होगा।

ज्ञात्यादन

2. बाटों में डायनेमों का उत्पादन नियत बोलता पर नियत उत्पादन के ± 5 प्रतिशत के भीतर होगा।

3. डायनेमों, आर्मेंचर और फिल्ड का निम्नलिखित परख संतोषजनक रूप से सहन करने में समर्थ होंगे।

(1) आर्मेंचर के लिये आणदीप्ति परख—कम्प्लॉटर और शैपट के बीच ५०० वो और ५० साइकल प्रतिसेकिंड पर प्र० ध० से आर्मेंचर की आणदीप्ति परख की जायेगी। इस के परिणामस्वरूप, आर्मेंचर के किसी प्रभाग में कोई ढीलापन, दरार, मूलसन, आकिय या पंकचर नहीं होगा। यह परख प्रचालन तापमान प्राप्ति लिये जाने के पश्चात् ही की जानी चाहिये।

(2) फिल्ड कायलों के लिये आणदीप्ति परख—योंक में फिल्ड किये जाने के पश्चात् फिल्ड कायल की कायल टौमनल और योंक के बीच

५० साइकल प्रतिसेकिंड की आणदीप्ति बाले ५०० वो वी प्र० ध० से आणदीप्ति परख की जायेगी। इसके परिणामस्वरूप, फिल्ड कायल के किसी प्रभाग में कोई ढीलापन वरार मूलसन, आकिय या पंकचर नहीं होगा। यह परख, कायल के आने प्रचालन तापमान पर पहुँचने के पश्चात् ही संचालित की जानी चाहिये।

(3) तापमान-वृद्धि-परख—गमी प्रकार के आवेष्टनों के लिये डायनेमों की तापमान वृद्धि, जब ४०° सें० से अनधिक परिवात-ताप में और १००० एम० से अनधिक ऊर्ध्वाई पर और नियत दग्धों के अधीन परख की जाय, तब नीचे की सारणी में दी गई तीमओं से अधिक नहीं होगी।

सारणी

तापमान वृद्धि की सीमाएँ

वर्मार्सीटर ड्रारा मार्पित तापमान-वृद्धि

वर्ग ए वर्ग ई

विद्युत रोधन विद्युत रोधन

विद्युतरोधक कुंडलियां और उनके

संरक्ष म कोड

विद्युत-रोधन न किये गये पुर्जे, जिन के अन्तर्गत ऐसे कोड भी हैं जो विद्युत रोधी कुंडलियों और आर्मेंचर कुंडलियों के साथ संपर्क में न हों

५०° सें० ६५०° सें०

तापमान वृद्धि, किसी भी दशा में ऐसे मान कर नहीं पहुँचेगी कि पार्वर्ष्य शताकों पर फिल्ड विद्युत रोधन सामग्रियों की अति की जोखिम हो।

(i) कम्प्लॉटरों के लिये—कम्प्लॉटरों के लिये तापमान-वृद्धि ११५° सें० से अधिक ऊपर नहीं होगी और परिवात-ताप ४०° सें० से अधिक नहीं होगा।

(ii) यदि डायनेमों की कुंडलियों तक वर्मार्सीटर सुधमता से न पहुँच सके तो, तापमान वृद्धि के माप की विद्युत प्रतिरोधी पद्धति प्रयुक्त की जा सकेगी, जिस दशा में, वर्ग ए के विद्युत रोधन के साथ कुंडलियों के लिये ६०° सें० और वर्ग ई के विद्युत रोधन के साथ कुंडलियों के लिए ७०° सें० तापमान-वृद्धि सीमाएँ होंगी।

(4) अनियत परख—जब डायनेमों एक बटे तक नियत-गति से ४ गुना से १० प्रतिशत उच्चतर गति पर चलता हो तो, तब डायनेमों विफल हो जाने का कोई चिह्न नहीं दर्शाएगा और वह इस परख के पश्चात् बंड २ की प्रक्षेपणों के अनुरूप होगा।

(5) कायलों के लिये परख—जब नियत बोलता आर्मेंचर के कायलों को अनप्रयुक्त की जाती है तो आर्मेंचर ± 5 प्रतिशत के भीतर ममी कायलों के लिये मान पाठ्यांक बतलायेगा।

4. गोर और कंपन

आर्मेंचरों के बतों के दौरान, कोई असम्पर्क कंपन और शोर नहीं होगा और आलन सुगम होगा।

5. विमार्श

आर्मेंचरों और आर्मेंचर की यमग विमार्श केता और विक्रेता के बीच कायर किये गये डिजाइन के अनुसार होंगी।

6. आमता परख

आर्मेंचरों परिविष्ट में वी गई आमता-परख को महन करने में समर्थ होंगे।

7. साधारण

आर्मेंचरों और उनके पुर्जे बनावटी-कुंडलियों से मुक्त होंगे।

परिविष्ट
(अण्ड-6)
कमता परख

1. साधारण

- (1) जब तक कि विनिर्माता द्वारा अन्यथा विनिर्दिष्ट न हो तब तक सभी निम्नलिखित परखें बायतमों के लिये सही संश्लेषक परखें के साथ की जायेगी।
- (2) उन सभी परखों में जो उत्पादन लक्षणों को अवधारित करने की परखों से भिन्न हैं बोल्ट ड्राइव प्रयुक्ति किया जायेगा।

2. उत्पादन लक्षण

- (1) साधिक्ता—निम्नलिखित साधिक्ता इस परख के लिये अपेक्षित हैं।

(i) **ड्राइव**—अरिवर्तनशील, गति, 400 से 12500 तक रिवर्शन गति भिन्न

(ii) **मोटर**—गति, बोल्टता और धारा के माप के सिवे मोटर की अवधारणा की जायेगी।

(iii) **फिल्ड प्रतिरोध**—डायनेमों के उत्पादन टर्मिनल और फिल्ड टर्मिनल के बीच परिवर्तनशील प्रतिरोधक जोड़ा जायेगा। वकलिक रूप से, एकल बाबीन धारा नियामक लगाया जा सकेगा।

(iv) **लोड प्रतिरोधक**—उत्पादन टर्मिनल और अन्य आर्मेन्चर बूझ कनेक्शन के बीच परिवर्तनशील प्रतिरोधक जोड़ा जायेगा।

- (2) **तापमान स्थिरीकरण चालन**—तापमान स्थिरीकरण चालन निम्नलिखित दशाओं को पूरा करेगा:

(क) डायनेमो गति -6000 ± 200 रिवर्शन/मिन०

(ख) डायनेमो उत्पादन नियत धारा

(ग) टर्मिनल बोल्टता 6-, 12-, और 24-बोल्ट मशीनों के लिये 6.7, 13.5 या 27 बो०

(घ) चालन की अवधि एक घंटा

(ङ) परिवात ताप -40° से ० अधिकतम।

- (3) तप्त कटिंग-इन गति जांच तप्त कटिंग-इन गति का मान, प्रसामान्य विनिर्विष्ट मान में $7.1/2$ प्रतिशत की वृद्धि से अधिक नहीं होगा, जब तापमान स्थिरीकरण चालन में प्राप्त तापमान पर निम्नलिखित रीति से जांच किया जाये (2.2 देखिये):

(क) उत्पादन टर्मिनल से सीधे बूझा हुआ फिल्ड टर्मिनल

(ख) डायनेमो की गति जीरो से धीरे-धीरे बढ़ाई जायेगी जब तक कि वह उत्पादन बोल्टता, यथास्थिति, 6.5, 13 या 26 बो० प्राप्त नहीं कर सकता वह गति, जिस पर वह बोल्टता प्राप्त होती है, तप्त कटिंग-इन गति है।

- (4) तप्त उत्पादन धारा जांच-तप्त उत्पादन धारा के मान, विनिर्माता द्वारा विनिर्विष्ट मान से, जब निम्नलिखित रीति से जांच की जाये, कम नहीं होगे:

(क) डायनेमो का तापमान स्थिरीकृत तापमान (2.2 देखिये)

(ख) टर्मिनल बोल्टता 6-, 12- और 24 बोल्ट मशीनों के लिये 6.7, 13.5 या 27 बो०

(ग) तप्त उत्पादन धारा के विभिन्न पार्ट्सक लोड प्रतिरोधन और डायनेमों गति के मानों में परिवर्तन द्वारा टर्मिनल ऊपर दी गई बोल्टता पर लिये जायेंगे।

3. प्रकालन जीवन काल की परख

(1) **प्रकालन गति परख**—डायनेमों, बिना बिकल हुए, निम्नलिखित परख पूरी करेगा और परख की समाप्ति पर तप्त कटिंग-इन गति जांच और तप्त उत्पादन धारा जांच की अपेक्षाओं को पूरा करेगा। बूर्जे अपनी सीमान्त लम्बाईयों तक घिसेंगे नहीं और उन के लचीले कनेक्शन अपने कार्बरेशन फेसों पर अस्थमान नहीं होंगे। कम्पूटेटर की कुल उत्केंद्रिता और शलाका से शलाका तक व अधिकतम अन्तर, जब बूर्ज द्वारा आवृत्त के बाहर ट्रैक पर मापा जाए, नई दशा में मशीन के लिये विनिर्विष्ट मानों से अधिक नहीं होगा:

(क) परिवात-ताप 40° से ० अधिकतम

(ख) डायनेमो उत्पादन 2/3 नियत धारा

(ग) टर्मिनल बोल्टता 6.7, 13.5 या 27 बो०

(घ) गति अधिकतम गति का 50 प्रतिशत

(ङ) परख की अवधि 500 घंटे

(2) **उच्च गति परख**—डायनेमों बिना बिकल हुए निम्नलिखित परख पूरा करेगा और बूर्जे अपनी सीमान्त लम्बाईयों तक घिसेंगे नहीं। कम्पूटेटर की कुल उत्केंद्रिता और शलाका से शलाका तक का अधिकतम अन्तर, जब बूर्जों द्वारा आवृत्त के बाहर ट्रैक पर मापा जाए, नई दशा में मशीन के लिये विनिर्विष्ट मानों से अधिक नहीं होगा:

(क) परिवात ताप 40° से ० अधिकतम

(ख) डायनेमो उत्पादन नियत धारा

(ग) टर्मिनल बोल्टता 6.7, 13.5, और 27 बो०

(घ) गति अधिकतम गति

(ङ) परख की अवधि 50 घंटे

(3) **प्रतिगति परख**—डायनेमों, जिसने उच्च गति परख पूरी कर दी है पुनः समंजित किया जायेगा और यदि आवश्यक दृष्टा तो नये बूर्जों के साथ किट किया जायेगा। कोई भी खाराबी नहीं होगी और कम्पूटेटर उत्केंद्रिता और शलाका से शलाका तक की असमानता (कक्ष तापमान तक ठंडा करने के पश्चात्) नई दशा में मशीन के लिये विनिर्विष्ट मानों से अब निम्नलिखित परख पूरा करने के पश्चात्, यथा 3.2 के अनुसार मापा जाये, अधिक नहीं होगी:

(क) परख के पूर्ण बहार—तापमान स्थिरीकरण चालन (2.2 देखिये)

(ख) परिवात-ताप 40° से ० अधिकतम

(ग) डायनेमो उत्पादन नियत धारा

(घ) टर्मिनल बोल्टता 6.7, 13.5 या 27 बो०

(ङ) गति अधिकतम गति + 10 प्रतिशत

(ज) अवधि एक घंटा

10. आपदीप समंजन के लिये विनिर्विष्ट

1. सामग्री

(1) **लेन्स**—लेन्स, वरारों, बोरों और विकृति से मुक्त होगा। लेन्स सिलिंवर्टों और अन्य द्रुटियों से, जिनका लेन्स की प्रकाश विशेषताओं और स्वरूप पर प्रतिकूल प्रभाव हो, मुक्त होगा।

(2) **बॉर्डी**—अप्रदीप का बॉर्डी या तो स्टोव इनेमल से या विशुत-लेन्स से संरक्षित होगा।

(3) **परावर्तक**—उम्हे रजत मूलम्भा, निकल मूलम्भा-बढ़ाकर चमकीला फिलिश दिया जायेगा या 'ऐल्मूमिनियम बैक्यूम निशेपेण' प्रक्रिया

द्वारा ऐक्यमिनियम से विलेखित किया जायेगा। मुलसमा और सह एकसमान होगी और मुलसमा ज़दाने की बृद्धियों से मुक्त होगी।

(4) गास्टेट-चल पुर्जों को सील करने के लिये प्रयुक्त गास्टेट का इस प्रकार डिजाइन किया जायेगा या उसे जोड़ा जायेगा कि जल गये बल्ब के प्रतिस्थापन के समय, वे पुनः संमजन की सेवा योग्य बनाने में रक्षावट न डाले या बाधा न डाले सामग्री जलसह होगी और बरारों तथा अन्य बृद्धियों से मुक्त होगी।

(5) प्रतिधारण और आरोपण रिंग

(i) आरोपण रिंग के साथ यूनिट को धारण करने के लिये निश्चित उपाय की व्यवस्था की जायेगी। बंधन-उपाय पर्याप्त समझा जायगा, यदि वह 25 प्रतिस्थापनों के पश्चात् दीप यूनिट को सुनिश्चित रूप से उसे उचित स्थिति में रखने और धारण करने के योग्य हो।

(ii) जब दीप यूनिट को प्रतिधारण रिंग और आरोपण रिंग के बीच आबद्ध किया जाता है तो, उसे इतना कसा जायेगा कि वह लड्डाएगा नहीं।

(6) संयोजक-दीप यूनिट संपर्क और सेकेट से से जाये गये 75 मिमी० तार के संयोजक सिरे के बीच बोल्ट्टा इन 10 ऐम्प-यर लोड पर 40 मिली० बोल्ट से अधिक नहीं होगा।

(7) संघर्ष—प्रयुक्त सैम्प्र उस प्रयोजन के लिये, मान्यता प्राप्त “भोटर-गाड़ी लैम्पों के लिये विनिर्देश” के भनुरूप होंगे।

(3) संमजन—संमजन संतोषपूर्ण और घलि रोधी होगा।

2. चिमाएं

दीपों के विभिन्न पुर्जों की विमायें विभेदी केता और विकला के बीच करार किये गये डिजाइन के अनुसार होंगी। विभिन्न विमाओं पर सहन इस प्रकार होंगे ताकि प्रत्येक विमान पुर्जे लग जायें।

3. बल्ब होल्डर और स्पर्श बिन्हु

बल्ब होल्डर और बल्ब के लिये स्पर्श-बिन्हु जंग, पपड़ी या किन्हीं अन्य हानिकारक बृद्धियों से मुक्त होगा। बल्ब होल्डर के विशुद्ध प्रचालन करने वाले पुर्जे उपयुक्त सामग्री से बने होंगे, जो होल्डर में फिट किये गये बल्ब को यथा लागू नियत धारा और बोल्ट्टा को प्रतिस्थित हुये बिना, सहन करने में समर्थ होंगे।

4. वैटेंग

पेंट की हुई सतह एक समान, सख्त शुष्क और आसनित होंगी। प्रलेप के आसनित की जांच करने के लिये उपयुक्त परख की जायेगी।

5. साधारण

मग्नेशीय के विभिन्न पुर्जे गड्ढों (डेन्टों) गहरे इंहंग चिह्नों, खरोचों, तरारों और अन्य विनिर्माण बृद्धियों से मुक्त होंगे।

6. परख

(1) विशुद्ध सातहय—हर एक दीप की, उपयुक्त बल्ब फिट करके और होल्डर के टमिलों के बीच नियत बोल्ट्टा का अनु-प्रयोग करके, उसके विशुद्ध सातहय के लिये जांच की जायेगी। उपरोक्त दिशाओं के अन्तर्गत बल्ब समुचित रूप से प्रज्ञवलित होगा।

(2) मुलसमा परख—सभी मुलसमा ज़दी सतहों पर निम्नलिखित परख की जायेगी किसी मुलसमा ज़दी हुई बल्ब में से टुकड़ा काट

लें, उसे बाँक में कस दें और कटे हुये सिरे पर ऐसी रीति से भोटी रेती का अनुप्रयोग करें कि निक्षेप उछाल जाये। मुलसमा और मूल धातु एक दूसरे से भ्रसग नहीं होंगे।

(3) कॉफ्ट परख—उपयुक्त टेक (आधार) पर आरन्ट परख नग को उपयुक्त कंपन मणीत पर दूबता से भद्र किया जायेगा और उस पर 1.5 मिं. मी० आयाम के और दीप की तीन वृहत् अक्ष के प्रत्येक अक्ष की दिशा में एक घंटे की अवधि तक 30 से 5 साइक्ल प्रतिसेक्षण के बीच आवृत्ति पर साधारण संबंधी (हार्मोनिक) कंपन किया जायेगा। इस परख की समाप्ति पर, परख नग की परीक्षा की जायेगी और सारकान बृद्धियों का लक्षण दिखाने वाली किसी यूनिट, ऐसा या परावर्तक धूर्ण पुर्जे का विस्थापन या फटन, फिलेमें लैप के भेजन के सिवाय, के के बारे में यह समझा जायेगा कि वह परख में असफल हो गया है।

(4) प्रचालन के लिए परख—सभी दीपों की परख अमजन के संतोषप्रद प्रचालन सुनिश्चित करने के लिये बल्ब के फिट करके और नियत बोल्ट्टा का प्रयोग करके की जायेगी।

(5) गास्टेटों के लिए परख—गास्टेटों की परख निम्नलिखित रूप में की जायेगी:—

एक पूर्ण दीप यूनिट, जिसका लेन्स नीचे रहेगा, 1150±20 मी० के तापमान पर एक घंटे की अवधि के लिये भट्टी में रखा जायेगा। इस परख के पश्चात्, परावर्ती पृष्ठ पर अरंगता या निक्षेप का कोई भी लक्षण नहीं होगा।

7. प्रकाशमापीय आवश्यकताएं

अग्रवीप समजन की प्रकाशमापीय आवश्यकतायें या तो मा० मा० 3563-1966 (या इसका नवीनतम संस्करण) या किसी विदेश के किसी अन्य सुसंगत राष्ट्रीय मान के अनुसार होंगी।

11. भोटर गाड़ी लैम्पों (बल्बों) के लिये विनिर्देश

1. विमायें

विमायें केता और विक्रेता के बीच करार किये गये डिजाइन के अनुसार होंगी।

2. टोका (सोल्वर)

टोका (सोल्वर) इस प्रकार अनुप्रयुक्त किया जायेगा ताकि वह होल्डर में टोपी के उचित संयोजन में बाधा न डाले और संतोषजनक विशुद्ध संपर्क सुनिश्चित करे।

3. बाटेज

बाटेज, नियत बाटेज पर ±10% के सहन के अधीन रहते हुये केता और विक्रेता के बीच करार के अनुसार होंगे।

4. इक्सास

नियत बोल्ट्टा पर 15 मिनट तक कालप्रभावन के पश्चात् प्रति वाट ल्यूमेनों के रूप में लैम्पों को व्यक्ता, भा० मा० 1606-1966 के लघु लैम्पों, मध्यम लैम्पों और अग्रवीप लैम्पों के लिये सारणी 4, 5 और 6 में यथा विनिर्दिष्ट से कम नहीं होगी।

5. टोपी के लिये मरोड़ परख

बल्बों से इस प्रकार मजबूती से टोपी संस्थान होंगी ताकि वह किसी नुकसान के बिना निम्नलिखित मरोड़ी आधूर्ण सहन करे।

(1) एकल संपर्क बल्बों के लिये मरोड़ी आधूर्ण 2.5 के जी० एक० सेमी०

(2) दोहरे संपर्क बल्बों के लिये, मरोड़ी आधूर्ण 11.5 के जी० एक० सेमी०

6. जीवन काल

लघु लैम्प, मध्यम लैम्प और अप्रबोध लैम्प (पूर्वकोक्सित लैम्प) बस्त का जीवन काल, भा० मा० 1606-1966 की सारणी, 4, 5 और 6 में जीवन काल परख के अन्तर्गत वर्षित घंटों की संख्या के अनुसार होगा। जीवनकाल परख उपरोक्त सारणियों में दिये गये विनिर्दिष्ट परख ब्रॉल्टाइंडों पर परख किये गये घंटों की संख्या में विनिर्दिष्ट की जायेगी।

7. साधारण

बल्ब साफ, प्ररंजित और हानिकारक लुटियों से मुक्त होंगे।

12. धुरी छड़ों के लिये विनिर्देश

1. सामग्री

धुरी, छड़, मध्यम कार्बन इस्पात या कोई उपयुक्त मिश्रधातु इस्पात से विनिर्मित होंगे।

2. कठोरता

धुरी छड़ों के दातेदार सिरों पर कठोरता निम्नलिखित रूप में होगी—
(1) प्रेरण कठोरीकरण के लिये 371 BHN से 578 BHN तक
(2) संपूर्ण कठोरीकरण के लिये 321 BHN से 363 BHN तक

3. विमाय

धुरी छड़ों की विमाय, निम्नलिखित निम्नतम सहन के अधीन रहते हुये विदेशी क्रेता और विक्रेता के बीच करार किये गये डिजाइन के अनुसार होंगी:

4. सहन

- (1) दातेदार छड़ के दीर्घ व्यास पर सहन + 0.000 और -0.025 मि० मी० होगा।
- (2) दातेदार छड़ के लघु व्यास पर सहन + 0.000 और -0.038 मि० मी० होगा।
- (3) दाता (स्लाइन) की चौड़ाई पर सहन + 0.000 और -0.250 मि० मी० होगा।
- (4) साधारण सहन 0± .25 मि० मी०
- (5) समग्र लम्बाई पर सहन ± 1.20 मि० मी० होगा।

5. साधारण

धुरी छड़ दरारों, विषाटों, क्षत-चिह्नों और अन्य हानिकारक लुटियों से मुक्त होंगे।

13. आटोमोटिव ब्रेक लाइनिंग के लिये विनिर्देश

1. सामग्री

लाइनिंग की सामग्री, उपयुक्त पूरक और बंधक कर्मकों के साथ मिश्रित ऐस्वेस्टास तनु होंगी और पश्चात्यर्ती खंडों में दो गई आपृष्यक-ताओं को पूरा करेगी।

2. विमाय

विमाय, खण्ड 3 में विनिर्दिष्ट सहन से अधीन रहते हुये विदेशी क्रेता और विक्रेता के बीच करार किये गये डिजाइन के अनुसार होंगी।

3. सहन

5 मि०, जिसके अन्तर्गत 5 मि० भी है, चौड़ाई तक चौड़ाई पर सहन + 0.00 मि० मी० और -0.2 मि० मी० होगा और चौड़ाई पर सहन 0 मि० मी० और 0.8 मि० मी० होगा।

5 मि० के ऊपर की चौड़ाई के लिये चौड़ाई पर सहन + 0 मि० और -0.3 मि० होगा तथा चौड़ाई पर सहन + 0 मि० और -0.8 मि० होगा।

4. खिंटों (कीलकों) के लिये प्रतिबोर (काउंटर बोर) की गहराई जब तक कि विदेशी क्रेता द्वारा अन्यथा अपेक्षित न हो, 5 मि० से कम चौड़ाई की ब्रेक लाइनिंग के लिये, प्रतिगलान (काउंटर सिंकिंग) लाइनिंग की चौड़ाई के 50 प्रतिशत होना चाहिये। 5 मि० से अधिक चौड़ाई की लाइनिंग के लिये प्रतिगलान (काउंटर सिंकिंग) लाइनिंग की चौड़ाई के दो तिहाई होना चाहिये।

5. भट्टो परख

जब लाइनिंग को 200° से० पर 2 घंटे तक किसी भट्टी में तात्त्र किया जाये तो, वह पोले, पूलने या विकृति का कोई लक्षण नहीं दिखायेगी। चौड़ाई में परिवर्तन 0.25 मि० से अधिक नहीं होगा।

6. घिसाई गुणधर्म

किये गये कार्य के प्रति यूनिट के आपृष्यत में हानि के रूप में लाइनिंग की विशिष्ट क्वालिटी के घिसाई गुणधर्म के बारे में विनिर्मिता घोषणा करेगा (उदाहरणार्थ, सेमी०३/के उभल्प० एच० या इन३/एच० पी० एच०)।

7. घर्षण आवश्यकताएँ

विभिन्न प्रकार की ब्रेक लाइनिंग के लिये घर्षण के गुणांक के मान नीचे दी गई सारणी अनुसार होंगे।

सारणी

ब्रेक लाइनिंग का प्रकार	ब्रेक लाइनिंग का वर्ग	घर्षण का गुणांक
1	2	3
दृढ़ संचे के ढले सैट या नम्य संचे के ढले राहया सैट	. . .	मध्यम घर्षण 0.28 से 0.40 तक
यथोक्त	उच्च घर्षण	0.36 से 0.45 तक
दृढ़ बुने हुए सैट, या नम्य बुने हुये राल या सैट	मध्यम घर्षण	0.33 से 0.43 तक
यथोक्त	उच्च घर्षण	0.43 से 0.53 तक

8. घिसाई परख और आई घर्षण परख

ब्रेक लाइनिंग, भा० मा० : 2742-1964 या उसके नवीनतम संस्करण में अधिकारित के रूप में दिखाई परख और आई घर्षण परख की अपेक्षाओं को पूरा करेगी।

9. साधारण

फिनिश की हुई ब्रेक लाइनिंग, दरारों, खरोचनों, बंतुरताओं, असमताओं और त्रुटियों या उस के जीवन काल और प्रयोग्यता को प्रभावित करने वाले अन्य त्रुटियों से मुक्त होंगी। लाइनिंग के घर्षणी लक्षण विसने वाले भाग के पूरे जीवन काल में एक समान होंगे। लाइनिंग को उसे छिप्रित करने वेने और ब्रेकशू पर दृढ़ता से रिबिट कर देने की पर्याप्त रखनात्मक शक्ति होगी ताकि उसमें रिबिट करने के दौरान

दरार न पड़े या उपयोग के दौरान वह फिल न जाये या उसमें दरार न आये।

14. ब्रेक इमों के लिए विनिर्देश

1. सामग्री

- (1) ब्रेक इमों के लिये प्रमुख सामग्री, हल्के और मध्यक मोटर यानों के लिये 20 के जी० एफ० मिमी०२ निम्नतम तनन-शक्ति के साथ लक्ष लोह होगी। भारी मोटर यानों के लिये ब्रेक इम 26 के जी० एफ० मिमी०२ निम्नतम तनन शक्ति रखने वाले दले लोहे के होंगे। हल्के मध्यक और भारी मोटरयानों का वर्गीकरण पश्चात् खंडों के अनुसार होगा।
- (2) 'भारी मोटरयान' से परिवहन यान या सर्वेयर, जिसका रजिस्ट्रीकृत लक्ष हुआ भार, या मोटरकार या ट्रैक्टर, जिसका न लक्ष हुआ भार, 18,000 पौंड एवंड्यूप्व से अधिक होता है, अभिप्रेत होगा।
- (3) 'हल्का मोटर यान' से परिवहन यान या सर्वेयर, जिसका रजिस्ट्रीकृत लक्ष हुआ भार, या मोटरकार या ट्रैक्टर, जिसका न लक्ष हुआ भार, 6,000 पौंड एवंड्यूप्व से अधिक नहीं होता है, अभिप्रेत होगा।
- (4) 'मध्यम मोटरयान से मोटर साइकिल, इनबोलड करेज, हल्का मोटर यान, भारी मोटर यान या रोज रालर से भिन्न मोटर यान अभिप्रेत होगा।

2. विमाएं

विमाएं और अन्य व्हीरे, खंड 3 में विनिर्दिष्ट सहन के अधीन रहते हुए केता और विकेता के बीच करार किये गये डिजाइन के अनुसार होंगे।

3. सहन

- (1) ब्रेक इम के भीतरी व्यास पर सहन ± 0.12 मिमी होगा।
- (2) साधारण सहन ± 0.25 मिमी होगा।

4. साधारण

दली वस्तुएं, बात-छिद्रों, रन्धमयता, वरारों, कोल्ड-शट और अन्य हानि-कारण त्रुटियों से मुक्त होंगे।

15 किंग-पिनों के लिए विनिर्देश

1. सामग्री

किंग पिन कार्बन इस्पात या उपयुक्त मिश्रधातु इस्पात से विनिभित होंगे, जिनका उच्चा उत्तरार के पश्चात् न्यूनतम तनन-सामर्थ्य 86 के जी० एफ० /मिमी० होगा।

2. कठोरता

- (1) किंग पिनों की कठोरता 'सी०'-स्केल पर 5.5 राक्वेल नंबर से कम नहीं होगा।
- (2) कठोरता की पूष्ट गहराई 1,000 मिमी से कम नहीं होगी।

(3) डिजाइन और विमाएं

किंग पिनों की विमाएं खंड 4 में विनिर्दिष्ट सहन के अधीन रहते हुए विदेशी केता और विकेता के बीच करार किए गए डिजाइन के अनुसार होंगी।

(4) सहन

- (1) व्यास पर सहन -0.000 मिमी और -0.025 होगा।
- (2) साधारण सहन ± 0.25 मिमी होगा।

5. कारीगरी और किंगिंग

किंग पिनों की सतह, याउड फिनिश की होगी और बर अंदोनों, कर्तनों या औजार चिह्नों से मुक्त होगी। किंग पिन वरारों, छिद्रों, और अन्य विनिर्दिष्ट त्रुटियों से मुक्त होंगे।

6. परिवर्तन

किंग पिन, इस प्रभीजन के लिए उपयुक्त जंग-निरोधक तेल या ग्रीज से पूर्णतः लेपित रखे जाएंगे।

16. लीफ स्प्रिंग और उसके लिए विनिर्देश

1. सामग्री

स्प्रिंग पत्तियाँ $\text{₹}0/\text{एन}^0 45\text{ए}^0$ इस्पात से विनिर्मित होंगी।

2. कठोरता

संभित लीफ स्प्रिंगों की 388 से 461 जी० एफ० एन० तक के भीतर कठोरता होगी और एकल पत्तियों के नियाति की वशा में, कठोरता 363 से 461 जी० एफ० एन० तक के भीतर होगी।

3. विमाएं

विमाएं, खंड 4 में विनिर्दिष्ट सहन के अधीन रहते हुए विदेशी केता विकेता के बीच करार किए गए डिजाइन के अनुसार होंगी।

4. सहन :

- | | |
|------------------------|--------------|
| (क) समग्र सम्भाई पर | ± 3 मिमी |
| (ख) एकल लीफ पर | ± 3 मिमी |
| (ग) लीफ की बोढ़ाई पर : | |

(i) 0 से 6.25 सेमी के लिए $+0.50$ मिमी -0.25 मिमी

(ii) 6.26 सेमी से 10 सेमी के लिए $+0.90$ मिमी -0.25 मिमी

(iii) 10.10 सेमी से 12.50 सेमी $+1.60$ मिमी -0.25 मिमी

(iv) 12.60 सेमी और उससे अधिक के लिए $+2.3$ मिमी -0.25 मिमी

(घ) लीफ की मोटाई पर

(i) 1 सेमी मोटाई तक ± 0.18 मिमी

(ii) 1.1 सेमी से 2.50 सेमी तक ± 0.30 मिमी

(iii) 2.51 सेमी और उससे अधिक के लिए ± 0.50 मिमी

(क) बुधों के भीतरी व्यास पर $+0.12$ मिमी

(च) बुध रहित आंखों पर 0.00 मिमी

$+0.00$ मिमी -0.30 मिमी

(घ) लीफ की कमान पर ± 6 मिमी

(ज) समर्जित लीफ की कमान पर ± 6 मिमी

5. स्प्रिंग की आंखों का सामानास्तरण-मुख्य लीफ की आंखें:-

(क) एक दूसरे के समान्तर,

(ख) स्प्रिंग सीट की सतह के समानान्तर, और

(ग) निम्नलिखित सहन के भीतर, मुख्य लीफ की मध्य रेखा के वर्गाकार, होंगी :

मात्री कार-स्प्रिंग के लिए व्यापारिक व्यास-स्प्रिंग के लिए 500 मिमी में ± 2.5 मिमी 500 मिमी में ± 5.0 मिमी

6. स्प्रिंग निम्नलिखित परख संतोषजनक रूप से सहन करेगे :

(1) भार वर के लिए परख

- (i) इस परख के प्रयोजन के लिए स्प्रिंग सिरे रोलरों वाली गाड़ियों पर आरु किए जाएंगे। स्प्रिंग को उसके सिरे पर टेक दिया जाएगा और सीट पर भार नीचे की ओर अनुप्रयुक्त किया जाएगा। भार छाँड़, जिसके द्वारा भार अनुप्रयुक्त किया जाता है, सेटर बोर्टों के ऊपर केन्द्रित किया जाएगा। सेटर कलैभ्य (शक्तिजा) शैकल प्रयुक्त नहीं किए जाएंगे। स्प्रिंग सीट पर भार का अनुप्रयोग करने के पश्चात् निम्नलिखित अभिलिखित किया जाएगा :
- (क) विनिर्दिष्ट स्थान के 25 मिमी ऊपर और 25 मिमी नीचे के संपीड़न भार।
- (ख) ऊपरोक्त स्थान के निर्दिष्ट भार, और
- (ग) प्रत्येक स्थान के संपीड़न और निर्दिष्ट भारों का ग्रीसत। इन दो ग्रीसतों का आधा फर्क दर सूचित करता है। (सर्व स्प्रिंग का भार विनिर्दिष्ट भार में निम्नलिखित नहीं किया जाएगा।

(ii) विनिर्दिष्ट भारित और भाररहित ऊंचाईयों पर सहन निम्नलिखित सीमाओं के अनुरूप होंगे :

निर्दिष्ट भारित ऊंचाई	निर्दिष्ट भार-मुक्त पर सहन
लाइट ड्यूटी स्प्रिंग, अर्थात् 25 मिमी वर के अनुसार	
450 कि० ग्रा० से कम	± 3 मिमी
भारी ड्यूटी स्प्रिंग, अर्थात् 25 मिमी वर के अनुसार	
450 कि० ग्रा०	± 7 मिमी
विक्षेप का ± 5 प्रतिशत या ± 6 मिमी (दोनों में जो भी छोटा हो)	
विक्षेप का ± 7.5 प्रतिशत या ± 6 मिमी (दोनों में जो भी बड़ा हो)	

(2) स्कैम परीक्षा

प्रक्रिया-समर्जित स्प्रिंग स्कैमिंग मशीन पर रखा जाएगा और उसके सिधाय, जहां अन्यथा विनिर्दिष्ट हो, $\frac{\text{एल}}{900 \times \text{मो०}}$ के बराबर भाला तक विक्षेपित होगा। जहां ल०=महराब के साथ मिमी में मापित मूल्य लिफ की लम्बाई और मो०=मिमी में सबसे भोटे लोफ की मोटाई। प्रत्येक स्प्रिंग से लगातार तीन बार विक्षेपित होगा, जिसके पश्चात् वह स्थायी सेट होने का संकेत नहीं देगा। विक्षेप भाररहित ऊंचाई से माप जाएगा। प्रयुक्त स्कैमिंग मशीन शीघ्र कार्य करने वाले प्रकार की होगी।

7. साधारण

फैट सार्ट्यूक्स रूप से सीधे सीधे लम्बाई में मोटों, पपड़ियों और ऐटों जैसे चिपाटों पत्तकों, गङ्गड़ों या अन्य सतहों परों, से, जो स्प्रिंग विनिर्माण प्रयोजनों के लिए उन्हें असंतोषजनक बनाएंगे, मुक्त होंगे।

17. शैकल पिनों के लिए विनिर्दिष्ट

1. कठोरता

- (1) शैकल पिनों की कठोरता 'ए' स्केल पर 70.4 पर राकबेल नंबर से कम नहीं होगी (सी० स्केल पर राकबेल नंबर के समतुल्य)
- (2) कठोरता की पृष्ठ गहराई 0.75 मिमी से कम नहीं होगी।

2. डिजाइन और विमापं

शैकल पिनों की विमापं, छाँड़ 3 में विनिर्दिष्ट सहन के अधीन रहते हुए विदेशी क्रेता और विकेता के बीच करार किए गये डिजाइन के अनुसार होंगे।

3. सहन

- (1) लम्बाई पर सहन ± 0.50 मिमी होगा।
- (2) आस पर सहन + 0.00 मिमी और — 0.05 मिमी होगा।
- (3) साधारण सहन ± 0.25 मिमी होगा।

4. कारीगरी और फिनिश

शैकल पिन पिसी हुई विकली फिनिश की होने चाहिए। पिन बराबरों फिनिशों और अन्य विनिर्माण लुटियों से मुक्त होंगे। सीक्षण कोरें उपयुक्त डालू किए हुए या गोल किए हुए होंगे।

5. परिरक्षण

शैकल पिन, इस प्रयोजन के लिए गंग निरोधक तेल या ग्रीज से पूर्णसः लेपित होंगे।

18. मोटर गाड़ी सम्पेशन के लिए कुंचलिनी स्प्रिंग के लिए विनिर्दिष्ट

1. सामग्री

स्प्रिंग, निम्नलिखित तनन-समर्थ्य रखने वाली स्प्रिंग इस्पात से विनिर्मित होंगे।

आकार	के० जी० एफ०/मिमी३ में तनन-सामर्थ्य
(क) 6 मिमी व्यास की शलाकों	110 से 155
(ख) 6 मिमी व्यास से अधिक की शलाकों	95 से 150

2. विमापं

स्प्रिंगों की विमापं, छाँड़ 3 में विनिर्दिष्ट सहन के अधीन रहते हुए विदेशी क्रेता और विकेता के बीच करार किए गए डिजाइन के अनुसार होंगी।

3. सहन

स्प्रिंगों की विमापं पर सहन निम्नलिखित होंगे—

(1) स्प्रिंगों के भीतरी कायल-व्यास	सहन
(i) 75 मिमी या उससे कम	± 1 मिमी
(ii) 75 मिमी से अधिक	± 2 मिमी
(2) स्प्रिंग तार या शलाकों का व्यास	सहन
(i) 10 मिमी व्यास या चौड़ाई से कम	± 0.1 मिमी
(ii) 10 मिमी व्यास या चौड़ाई से अधिक	± 0.2 मिमी
(3) केंद्ररहित मिमी हुई शलाकों के व्यास पर बहन	सहन
± 0.50 मिमी होंगे।	± 0.50 मिमी

4. भार रहित ऊर्जा

ठोस ऊर्जाई तक स्प्रिंग संपीड़ित करने और धीरे धीरे निसंपीड़ित करने के पश्चात स्प्रिंग की भारहित ऊर्जाई विनिर्दिष्ट मात्र के 3 मिमी या 1. 25 प्रतिशत से, दोनों में से जो भी कम हो, अधिक नहीं होगा, न ही विनिर्दिष्ट मात्र के 1.5 मिमी या 5/8 प्रतिशत से, दोनों में जो भी कम हो, कम होगा।

5. कुण्डली अन्तराल (पिच) की एकसमानता

कार्यलौं की कुण्डली अन्तराल पर्यात एक समान होगा ताकि जब स्प्रिंग को निर्दिष्ट कूल विक्षेप के 85 प्रतिशत का विक्षेप व्यवेशन करने वाली ऊर्जाई तक, पार्श्वीय टेक के बिना, संपीड़ित किया जाए तो कोई भी कायल, उसे छोड़कर जो बन्द सिरा स्प्रिंगों की दण में प्रारम्भक कायल है एक-दूसरे के संपर्क में नहीं होगा।

6. स्प्रिंग नीचे विहित परखों को सहन करने में समर्थ होंगे किन्तु उन्हें निम्नलिखित परखों की जाने के पूर्व एक कुण्डली से दूसरी कुण्डली तक संपीड़ित किया जाएगा।

(1) भार परख-भार ऊर्जाई भाप, जब या तो नियत ऊर्जाई पर तस्समान भार का माप करके या नियत भार से उत्पन्न ऊर्जाई का माप करके, किया जाए, नीचे किए गए के रूप में कुण्डली स्प्रिंगों के भार और दर पर सहन को पूरा करेगा।

सक्रिय कायलों की सं०	भारसहन	वर सहन
9 या कम	± 10 प्रतिशत	± 8 प्रतिशत
9 से अधिक	± 8 प्रतिशत	± 6 प्रतिशत

भार और विक्षेप पाठ्यांक तब लिया जाएगा, जब भार अनुप्रयुक्त किया जा रहा हो, न कि जब उसे निर्मकत किया जा रहा हो। उपरोक्त प्रयोजन के लिए परख भार से विनिर्दिष्ट 'भार' ऊर्जाई पर स्प्रिंग को विक्षेप करने के लिए अपेक्षित संपीड़न बल अभियन्त्र होगा और 'दर' से विनिर्दिष्ट भार ऊर्जाई के 2 सेमी से ऊपर और 2 सेमी से नीचे मापित कि० ग्रा० में भार के बीच जबकि स्प्रिंग संपीड़नाधीन हो, आया पर्क अभियन्त्र होगा।

(2) स्फग परख-स्प्रिंग को कम में तीन बार ठोस ऊर्जाई पर दाढ़ा जाएगा। तब वह खड़ 2, 3 और 4 में विनिर्दिष्ट विमीय अपेक्षाओं से अनुरूप होगा।

(3) विकंजा (फ्रैम्प) परख/कुण्डली स्प्रिंग को 6 घंटों से अन्यून अवधि तक निम्नतम सार्कारण संपीड़ित ऊर्जाई पर उसे संपीड़ित करके, विकंजा (फ्रैम्प) परख की जाएगी हस परख के पश्चात वह खड़ 2, 3 और 4 की विमीय अपेक्षाओं के अनुरूप होगा।

7. किनिस स्प्रिंग की भार सहन करने वाली सतहों को भार सहन करने वाला सतह बनाने के लिए धिस, जाएगा ताकि वे 3^o की सीमा के भीतर स्प्रिंग अवधि के पिरों की बगता सुनिश्चित करें।

8. साधारण

स्प्रिंग और किनिस कुनै स्प्रिंग के विनिर्माण के लिए शालाके सतही दरारों, जंग-संधि-रेखा पर विकार्यन, विपिंग और अन्य लिटियों से मुक्त होंगी।

19. अमीटरों के लिए विनियोग

1. बनावट

(1) उत्तरण की बनावट यांत्रिक विष्ट से सुदृढ़, स्पष्ट यांत्रिकी लुटियों से मुक्त होने प्रयोजन के लिए उपयुक्त होगी और इस प्रकार की

होगी ताकि यांत्रिक, विष्ट और चुम्बकीय समंजनों में स्थायित्व की उचित गारंटी हो।

- (2) उपकरण को पर्यात शक्ति के उपयुक्त धूल-अधेश आवरण में रखा जाएगा ताकि जब उचित रूप से उपयोग किया जाए तो क्षति के प्रति पर्यात संरक्षण प्राप्त हो और किसी उपसद्वायक सांघिक को यदि कोई हो, सुरक्षा और सूचकांकों की यथाता के स्थायित्व को सुनिश्चित करने के लिए उपयुक्त रूप से संरक्षित किया जाएगा।
- (3) जल-अधेश के लिए तात्पर्यित आवरण, अम्बन्टर में नभी के प्रवेश बिना 920 मिमी (या 3 पी०) जलदावी ऊर्जाई को प्रदीन एक घंटे तक पूर्ण निप्रज्ञ सहन करेगा।
- (4) अर्टु-सह के लिए तात्पर्यित आवरण इस प्रकार बनाया जाएगा या संरक्षित किया जाएगा कि भौमिका का प्रभावन या जल का आसफलन (लींटा) उत्पादन के प्रबलालन के बिंदु नहीं करेगा।
- (5) आवरण की बनावट इस प्रकार की होगी कि सर्विस दशाओं के अधीन तापमान और आर्द्रता में प्रायिक फेरफर इस मानक द्वारा अनुकूल सिमाओं के बाहर उपकरण के सूचकांकों को प्रभावी नहीं करेगा।
- (6) आवरण कीट-सह होगा।

- (7) उपकरण-कांच को धूमिल होने से रोकने के लिए उपकरणों के डिजाइन और विनिर्माण में सभी उचित पूर्वविधानियाँ ली जाएंगी। कोई भी एसी सामग्री जिसके गुण धर्म तापमान और आर्द्रता के प्रभावन से हानिकारक रूप से प्रभावित होते हैं, कांच या ऐसी अन्य पारदर्शत सामग्री को धूलिरोधी, अर्टु-सह या जल-अमंध बनाने में प्रयुक्त नहीं की जाएगी।

2. स्केल प्लेट और चिन्ह

- (1) स्केल प्लेट—स्केल प्लेट मैट एनेमल फिनिश धातु की होगी जिस पर सभी चिन्ह और अंकन जब तक कि फ्रेटा द्वारा विनिर्दिष्टता अन्यथा कथित न हो, काले रंग में होंगे।
- (2) डिविजन की चौड़ाई—लेवल-रोधी शीशा (मिरर) लगाई गई सभी उपकरणों के लिए प्रभावी रेंज के भीतर स्केल डिविजन की चौड़ाई स्केल कीतल-रेखा के साथ मापित 0. 8 मिमी (या 0. 03 ई०) से से कम नहीं होगी।
- (3) स्केलों की बनावट
 - (I) स्केल लघ्ये और/या माध्यम तथा लघु स्केल के चिन्हों रूप में होंगे।
 - (II) स्केल डिविजन 2 (2) की अपेक्षाओं से सगत होंगे। माध्यम स्केल चिन्ह लघु स्केल चिन्ह की सम्भाई से 1. 3 बार से कम नहीं होगा, न ही 1. 5 बार से अधिक होगा। लम्बा स्केल चिन्ह लघु स्केल चिन्ह की सम्भाई से 1. 7 बार कम नहीं होगा, न ही 2 बार से अधिक होगा।
 - (III) लघु स्केल चिन्ह, जब तक कि फ्रेटा द्वारा अन्यथा अपेक्षित न हो, स्केल की दिशा में शुरू से अन्त सक उसकी लम्बाई पर एक-दूसरे के समानान्तर चलती हुई दो रेखाओं से घाबड़ होगा। स्केल पर लगाए गए चिन्ह की मोटाई और भोकडाली क्षुर-धार की मोटाई में दृश्यस्था कोई फर्क मर्ही होगी।

(4) अंकन

- (1) स्केलों का सांख्यिकीय उपयुक्ति: नाम्रे या मध्यम स्केल चिन्ह पर उपकरण किया जाएगा, किन्तु बोनों पर नहीं, उसके सिवाय कि उसकी लम्बाईयों को विचार में लाए बिना स्केल के अन्त चिन्ह अंकित किया जा सकेंगे।
- (II) अंक ऐसे आकार के होंगे जिससे भिन्न अंकों के एक को दूसरा समझने की जोखिम कम से कम हो, और इसने दूर रखे जाएंगे जिससे कि एकत्र वर्ग पार्श्वस्थ वर्गों से स्पष्ट रूप से सुभिन्न हो।

3. संकेतक

- (1) संकेतक हृतक और नुक्त होना तथा ऐसी प्राकृति का होगा जिससे कि वह पाठ्यांक लेने में स्वयं आसानी और शुद्धता प्रदान करे।
- (2) संकेतक को उपकरण के विशुल्षित संकिट से विशुल्षित-रोधी किया जाएगा जब तक कि स्केल प्लेट और स्टाप का सारभूत रूप से वैसा ही विभव न हो, जैसा संकेतक का है, और आवरण से विशुल्षित रोधी न बनाए गए हों।
- (3) किसी ऐसे उपकरण में, जिसमें लंबन के कारण प्रेक्षण द्वारा प्राप्त और सही परिणाम में फर्क या पाठ्यांक से बदलने के लिए साधन को व्यवस्था न हो, स्केल और बी.वे.में धूमने वाले संकेतक की नोक के बीच अन्तर 1.5 मिमी (या 0.006 in) या स्केल की लम्बाई के भाग $1/100$ में भाग से, दोनों में जो भी बड़ा हो, अधिक नहीं होगा। प्लेट फार्म स्केलों वाले उपकरणों के लिए शुरू-धार संकेतक से भिन्न-संकेतक की लम्बाई हम प्रकार होगी कि प्रगतांग (टिप) लघुत्तम स्केल-चिन्ह की लम्बाई के एक-तिहाई से अधिक परन्तु दो-तिहाई से अधिक विस्तारित नहीं होगा।
- (5) शुरू-धार संकेतक लघु-स्केल-चिन्ह की समूची लम्बाई पर विस्तारित होगा किन्तु अनुमानत: उनसे बाहर नहीं विस्तारित होगा।

4. विक्षेप की दिशा

- (1) जब तक कि प्रोत्ता द्वारा अन्यथा अपेक्षित न हो, उत्तराधिर धारावत उपकरण से भिन्न उपकरण के संकेतक के विक्षेप की विश्लेषण मात्रा बढ़ाने के साथ बाई से वाई होगी और जब कोणीयविक्षेप 180° से अधिक हो तो संकेतक के विक्षेप की विश्लेषण जीरो और क्षेत्रिक केन्द्रीय रेखा के नीचे अधिकतम विन्दुओं के साथ दक्षिणाकर्त्त होगी।
- (2) जब तक कि केता द्वारा अन्यथा अपेक्षित न हो, उत्तराधिर धारावत उपकरण के संकेतक के विक्षेप की दिशा धन मात्रा बढ़ाने के साथ ऊपर की ओर होगी।

5. टर्मिनल

- (1) जब धारा की दिशा महस्तपूर्ण हो तो टर्मिनलों की धुकता अमिट रूप से चिन्हित की जाएगी ताकि उपकरण के द्वारा धारा की उचित दिशा स्पष्ट रूप से उपदर्शित हो।
- (2) जब तक कि केता द्वारा अन्यथा अपेक्षित न हो, विष्ट धारा पर उपयोग के लिए आवश्यित उपकरणों पर बाहूं और का या नीचे का टर्मिनल, जैसा कि उपकरण के प्रगतांग से देखा जाता है, धनात्मक टर्मिनल होगा और तदनुसार उसे चिन्हित किया जाएगा।

(3) यदि सुरक्षा के आधार पर या किसी अन्य कारण से एक टर्मिनल के भू-संपर्कित करना चाहनीय है तो उस टर्मिनल को 'ह' से चिन्हित किया जाएगा।

6. विशुल्ष-रोधन प्रतिरोध परख

टर्मिनलों और अन्तर्वर्तु प्रावरण या अन्य धातु-मूर्जे, जो आवरण से विशुल्ष-रोधक बनाने के लिए आवश्यित नहीं है, के बीच विशुल्ष-रोधन प्रतिरोध, जब उपकरण प्रयोग में हो, 3 मेगाओम से कम नहीं होगा।

7. उच्च-बोलता परख

- (1) उपकरण उच्च बोलता परख सहन करेगा जब नियत बोलता का पाँच गुणा बोलता अनुप्रयुक्त किया जाए।
- (2) परख करने की पद्धति-बोलता सापेक्षत: निम्न मात्रा से पूर्ण परख मात्रा तक इनी तेजी से बढ़ा दिया जाएगा जिसनी मात्री उपकरणों से उपराशित होने वाले उसके परिणाम से संगत हो। पूर्ण परख मात्रा एक मिनट तक रखा जाएगा और तब विशुल्षप्रवाह का स्विच बंद करने के पूर्व, सापेक्षत: निम्न माप पर तेजी से कम कर दिया जाएगा।

8. गुद्धता-परख

किसी अमीटर के निवर्ण में प्रेक्षण द्वारा प्राप्त और सही परिमाण में पर्क जब अपार प्रथा के मात्रक के अनुसार परख की जाए, स्केल रेज के 1.5 प्रतिशत से अधिक नहीं होगा।

9. अवर्यवन-परख

स्थायी लूंबक चल कायल (फुंडली) उपकरण की दशा में पूर्ण स्केल मात्रा के तीन-चौथाई और सभी अन्य लकारों में स्केल मात्रा के 10 प्रतिशत तक समायोजित धारा से संकेतक का विक्षेप, अब धारा अव्यापक अनुप्रयुक्त ही जाए, पूर्ण स्केल मात्रा से अधिक नहीं होगा।

10. कंपन-परख

उपकरण को प्रसामान्य स्थिति में दूर प्लेट पर धाराद्वारा किया जाएगा और तब कंपन टेबल पर बोलता से कम। टेबल 0.09 ± 0.04 मिमी के आवाम की छायाचीय गति निष्पादित करेगी, 4 मिनट में प्रति सैकिंड कंपनों की संख्या 10 से 100 तक परेपारित करते हुए तिर 10 तक वापस लायी जायगी। इस परख के दौरान ऐसे आवाम के उपकरण के किसी पुर्जे में कोई अनुनादी कंपन नहीं होगा जिससे उपकरण को नुकसान हो। कंपन परख का एक वक्त पूरा करने में उपकरण इस परख में पास हुआ समझा जाएगा, यदि वह बाई 8 के अनुसार घुटसा-परख पास कर लेता है।

11. अतिलोड-परख

यदि ग्रेता द्वारा अपेक्षित हो, जो लोड की तिहाई सी विनिर्विष्ट करेगा, अतिलोड-परख उपकरण की जायगी।

20. आकोमोटिव प्रबलित प्रभाव-प्रवर्तनों के लिए विनिर्वेष

1. सामग्री

विभिन्न पुर्जों की गढ़ाई के लिए प्रयुक्त सामग्री ऐसी होगी, जो परखात बद्दों की अपेक्षाओं को पूरी करेगी।

2. विमाएं

विमाएं जिसके अन्तर्गत प्रधान-प्रवर्तनों की विशुल्ष और संबूत विमाएं भी हैं, विवेची क्रेता और विक्रेता बीच कराई किये गये डिजाइन के अनुसार होगी।

3. वाहन नियशण

पिनिश किया गया उच्चार, गुणों, छिंद्रों, वेन्ट न जड़ी हुई सतहों और प्रधात अवशोषी के समजन और प्रचालन पर प्रतिकूल डालने वाली अन्य त्रुटियों से मुक्त होगा।

4. वेन्ट करना

वेन्ट एक समान, कठोर-शुक्र और उचित आसजन का होगा। उपयुक्त परख वेन्ट के आसजन भी जांच की लिए की जाएगी।

5. तेस

प्रधात अवशोषी में प्रयुक्त तेस के नीचे भी सारणी में लिए गए गुणधर्म होंगे :—

सारणी

क०सं० सक्षण हल्की ड्यूटी के लिए मध्यम ड्यूटी के लिए भारी ड्यूटी के लिए

1. श्यामता 100° फा० पर 100° फा० पर 100° फा० पर =	= 65 से 67 सेकंड, = 118.2 सेकंड 294.3 सेकंड, 210°
210° फा० पर = औसत, 210° फा० पर = 150 से	35.6 औसत से फा० पर = 94 से 155 सेकंड से बोल्ड
बोल्ट श्यामता 99 सेकंड से श्यामता	बोल्ड श्यामता
2. प्रज्वलन ताप 335° फा० 270° फा० 425° फा०	
3. व्यापार ताप 20° फा० मैक्स 25° फा० 25° फा० मैक्स	

6. प्रधात-अवशोषी निम्नलिखित परख संतोषजनक रूप से सहन करने के लिए समर्थ होंगे :

- (1) प्रचालन परख-प्रधात अवशोषी की परख, प्रधात-अवशोषी के पूर्ण कार्य-स्तर (संपीडन और प्रतिक्षेप) को अवधारण की सक्षमता का प्रारेख अभिलिखित करने में समर्थ उपयुक्त साचिल की सहायता से की जाएगी। अवधारण की सक्षमता का प्रारेख लियेशी जेता हारा विनियोग डिजाइन आवेद्य या डिजाइन आकृति होगा। प्रधात-अवशोषी का प्रधालन एकसा और संयोगत होगा।
- (2) इन्षेन प्रतिरोध के लिए परख-प्रधात-अवशोषी की वेन्ट की गई सतह के प्रधाल को कम तापमान में 30 मिनट तक ग्रीसीलिन से लियजित करें। इस परख के पश्चात् वेन्ट की गई परत लियेल नहीं होगी, सिक्केगी नहीं या कफोलेशर महीं होगी।

7. साधारण

प्रधात-अवशोषी की प्रचालन व्याप्रों के दीराम तेस लीक नहीं करेगा।

21. वाइपर समजन, जिसके अन्तर्गत इसका घार्म और ब्लेड है, से लिए विवरण।

1. सामग्री

वाइपर घार्म और रबड़ ब्लेड के लिए टेक स्प्रिंग इस्पात की उपयुक्त त्वालिटी से बनेगा जो प्रयोग के दीराम संतोषजनक कार्य सुनियित करेगा।

2. वाइपर का रबड़ अवयव उसे नुकसान किये विना 35° से० और —29° से० के बीच प्रचालन करने में समर्थ होगा।

3. विमाएं

वाइपरों की विमाएं और आकार विदेशी जेता और विकेता के बोर्ड करार किए गए डिजाइन के अनुसार होंगा। वाइपर का डिजाइन ऐसा होगा जो उसके पुर्जों को नुकसान किए लिया प्रति मिनट 45 ब्रक प्राप्त कर लेने में समर्थ हो।

4. टिकाउपन

वाइपर समजन के टिकाउपन को विकेता द्वारा धोषित किया जाएगा और पूर्ण वाइपर के लिए 1,500,000 ब्रकों से कम और रबड़ के बने ब्लेड अवयव के लिए 500,000 ब्रकों से कम नहीं होगा। ब्लेड इस परख के पश्चात् विहित से मुक्त होगा।

5. रसायनिक प्रतिरोध

वाइपर समजन के टिकाउपन को विकेता द्वारा धोषित किया जाएगा और पूर्ण वाइपर के लिए 1,500,000 ब्रकों से कम और रबड़ के बने ब्लेड अवयव के लिए 500,000 ब्रकों से कम नहीं होगा।

6. वेन्ट करना और मुलम्मा बढ़ाना

(1) वाइपरों की सभी खुली धात्विक सतह या तो स्टोप इमेल की हुई होगी या निकल या फोमियम से लेपित होगी। वेन्ट की गई या बड़ी हुई सतह दोष मुक्त होंगी। मुलम्मे की मोटाई 0.04 मिमी से कम नहीं होगी।

(2) मुलम्मा ऐसा धरणित होगा ताकि निम्नलिखित परख पास करे :

किसी मुलम्मा बड़ी हुई बस्तु में से एक टुकड़ा काट लें, उसे एक बोक में कस वें और कटे हुए सिरे पर ऐसी रीति से भोटी रेती का अनुप्रयोग करे कि निषेप उबड़ जाए मुलम्मा और मूल बाटु एक इसरे से अलग नहीं होंगे।

(3) वेन्ट किया गया सतह एक समान कठोर-शुक्र और आसंगित होगी।

7. साधारण

वाइपर समजन और उसके पुर्जे विनियाण त्रुटियों से मुक्त होंगे। कारीगरी और पिनिश सर्वोत्तम व्यापार प्रथा के अनुसार होगा।

[सं० 60(64) ई० आई० ई० पी०/68]

ORDER

S.O. 458.—Whereas for the development of export trade of India, certain proposals for subjecting automobile spares, components and accessories to quality control and inspection prior to export, were published as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964, at pages 1413—1436 of the Gazette of India, Part-II—Section 3—Sub-section (ii), Extra ordinary, dated the 10th December, 1968 under the notification of the Government of India in the late Ministry of Commerce No. S.O. 4463, dated the 10th December, 1968;

And whereas objections and suggestions were invited till the 9th January, 1969, from all persons likely to be affected thereby;

And whereas the said Gazette notification was made available to the public on the 10th December, 1968.

And whereas the objections and suggestions received from the public on the said draft have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) and, in supersession of the notification of the Government of India in the late Ministry of Commerce No. S.O. 3224, dated the 8th September, 1967, the Central Government, after consulting the Export Inspection Council, and being of the opinion that it is necessary and expedient so to do for the development of the export trade of India, hereby:—

(1) notifies that automobile spares, components and accessories given in Annexures I and II to this Order shall be subject to quality control and inspection prior to export;

(2) specifies the type of inspection in accordance with the Export of Automobile Spares, Components and Accessories (Quality Control and Inspection) Rules 1973, as the type of quality control and inspection which shall be applied to such automobile spares, components and accessories prior to export;

(3) recognises—

(a) the contractual specifications as agreed upon between the buyer and the seller subject to the minimum of specification mentioned in Annexure III to this order for the items given in Annexure I to this order.

(b) the contractual specifications as agreed upon between the buyer and the seller for the items given in Annexure II to this order.

as the standard specifications for automobile spares, components and accessories;

(4) prohibits the export in the course of international trade of any such automobile spares, components and accessories unless the same are accompanied by a certificate issued by any one of the Export Inspection Agencies established by the Central Government under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) to the effect that the consignment of automobile spares, components and accessories satisfies the conditions relating to quality control and inspection and is export-worthy.

2. Nothing in this order shall apply to the export by land, sea or air of samples of automobile spares, components and accessories to prospective buyers the f.o.b. value of which does not exceed rupees one hundred and twenty five only.

3. In this order—

- (i) 'automobile' means any self-propelled two, three or more wheeled, single or multi-axled vehicle; and
- (ii) 'automobile spares, components and accessories' means the manufactured products used in automobiles and trailers (whether attached to the vehicle or not) including that used as a replacement part for the original product given in Annexures I and II to this order.

4. This order shall come into force on the 17th March, 1973.

ANNEXURE—I

1. Piston pin
2. Inlet and exhaust valves for internal combustion engines
3. Connecting rod including its nuts and bolts
4. Single cylinder fuel injection pump
5. Automobile electric horn (vibrating type and wind-tone type).
6. Ignition coil
7. Starter motor and its armature (upto 24 volts D.C. only)
8. Sparking plug

9. Automobile dynamo, its armature and field coils
10. Headlight assembly
11. Automobile lamp (bulb)
12. Axle shaft
13. Automotive brake lining
14. Brake drum
15. King pin
16. Leaf spring and its leaves
17. Shackle pin
18. Helical spring for automobile suspension
19. Ammeter
20. Automotive hydraulic shock absorber
21. Wiper assembly including its arm and blade

ANNEXURE—II

1. Piston, Piston rings, Circlips
2. Crankshaft
3. Camshaft
4. Rocker-arm
5. Valve springs, Valve guides, Valve locking pins, Valve Seat, Valve Push rod
6. Cylinder head, Cylinder block
7. Liners for cylinder
8. Clutch assembly, Clutch pressure plate, Clutch facings, Clutch disc, Clutch spring, Clutch levers
9. Nozzles, Atomizer, Filter elements, Pump elements, Suction valve, Delivery valve, Governor diaphragm, Hand priming pump diaphragm and Pipes with nuts & nipples for Fuel injection pump
10. Air Filter assembly and its filter elements
11. Fuel pump, Lubricating oil pump, Oil filter assembly, Fuel filter assembly and their parts
12. Water pump including its parts
13. Speedometer, Oil pressure gauge, Fuel gauge, Thermometers
14. Cables for Speedometer, Clutch and Brake
15. Brake assembly, Master Cylinder, Wheel cylinder, their parts and repair kits, Brake springs
16. Carburettor assembly and its components
17. Radiator and its core
18. Distributor and its parts
19. Carbon brushes and Springs for Starter Motor and Dynamo
20. Horn relay, Horn diaphragm & Horn contact
21. Flasher units
22. Voltage regulator
23. Propeller shaft
24. Universal joint and its parts
25. Transmission chains
26. Hubs
27. Hanger brackets, Shackles for front & rear spring
28. Shock absorber link
29. Leather washer, Springs, Packing & Connections and Cylinder repair kit for Brake Booster
30. Piston, Piston rings, Valve disc and Suction valve cap for Booster compressor type
31. Front axle tie rod ends, Drag link ends, King pin repair kit
32. Wheel rim and disc assembly
33. Throttle control and Throttle control tube
34. Door locks
35. Lifting jacks
36. Grease nipples
37. All types of gaskets
38. All types of oil seals
39. All types of bearings
40. All types of gears

41. All types of metal & rubber bushings
 42. All types of fasteners i.e. bolts, studs, screws, nuts and washers

ANNEXURE—III

1. Specifications for Piston Pins

1. Dimensions

Dimensions of the piston pins shall be as per the design agreed to between the buyer and the exporter subject to the tolerances mentioned below:

2. Tolerance

(1) The tolerance on outside diameter of the piston pin shall be ± 0.005 mm.

(2) The general tolerance on length for fully floating pins shall be ± 0.10 mm.

(3) For pins clamped rigidly at the small end, the general tolerance on length shall be ± 0.25 mm.

3. Hardness

The hardness of the piston pin shall not be less than 58 Rockwell number on the C. Scale.

4. General

The piston pin shall be free from cracks, tool marks and other manufacturing defects. The sharp edges shall be suitably chamfered or rounded off. The surface finish of the piston pins shall be better than 20 microns.

2. Specifications for Inlet and Exhaust Valves for Internal Combustion Engines

1. Material

(1) The inlet valves shall be manufactured from a suitable heat treatable alloy steel which after heat treatment would have a tensile strength of not less than 80 kgf/mm².

(2) The exhaust valves shall be manufactured from a suitable heat resisting alloy steel which after heat treatment would have a tensile strength of not less than 80 kgf/mm².

2. Hardness

The valves shall have a hardness of not less than 35 DPN (or its equivalent) at the tappet face.

3. Dimensions

Dimensions of the valves shall be as per design agreed to between the foreign buyer and the seller subject to the following minimum tolerances given in the Table below:

TABLE

Tolerance on Dimensions of Valves

Sl. No.	Dimensions	Tolerance
1. Valve Stem diameter		+0.000 mm —0.025 mm
2. Concentricity of valve stem with respect to valve face (up to 50 mm head dia)		0.04 mm
3. Concentricity of valve stem with respect to valve face (head dia of 50 mm and above)		0.076 mm
4. Straightness of stem		0.025 mm
5. Overall length		± 0.25 mm
6. Valve face angle		± 0.50
7. Thickness of valve head		± 0.25 mm
8. Diameter of valve head		± 0.05 mm
9. Other dimensions		± 0.25 mm

4. General

(1) The valves shall be manufactured by extrusion or upsetting process.

(2) The valves shall be finished smooth and shall be free from folding laps due to faulty upsetting process and tool marks. The valves shall be free from any cracks and other manufacturing defects. The surface finish at tappet face shall be better than 15 microns.

3. Specifications for Connecting Rod Including its Nuts and Bolts

1. Material

The connecting rod shall be forged from carbon or alloy steel which after heat treatment would have a minimum tensile strength of 70 kgf/mm².

2. Hardness

The hardness of the finished connecting rod shall be between 200 to 270 Brinell hardness number.

3. Cross Section

The cross section of the connecting rod shall be of I-type with rounding on the top and the bottom. The rod shall be so forged that its longitudinal axis lies in the plane of rotation.

4. Dimensions

Dimensions of the connecting rod shall be as per the design agreed to between the buyer and the seller subject to the following tolerances.

5. Tolerances

(1) Tolerance on width of the top and bottom flanges of the I-Section shall be + 0.60 mm and —0.40 mm.

(2) Tolerance on the web of I-Section shall be + 0.80 mm and —0.00 mm.

(3) Tolerance on height of I-Section shall be ± 0.12 mm.

(4) General tolerance shall be ± 0.25 mm.

(5) Critical tolerances other than specified above shall be as per the design of the connecting rod.

6. Balancing

All the connecting rods of the same type and design shall be balanced within 20 grams.

7. Straightness

The connecting rod forging shall be straight within a tolerance of ± 0.10 mm. on the overall length after coining.

8. Connecting rod nuts, bolts and studs

The connecting rod bolts and studs shall be manufactured from suitable steel which after heat treatment would have a minimum tensile strength of 100 kgf/mm². The connecting rod nuts shall be manufactured from suitable steel which after heat treatment would have a minimum tensile strength of 86 kgf/mm². The bolts shall be machined in such a way as to have uniform strength throughout their length. Proper locking device shall be provided for the nuts and bolts. The run out of bolts shall not exceed 0.02 mm. with respect to the shank.

9. General

The connecting rod shall be free from cracks, internal flaws or inclusions and other harmful defects.

4. Specifications for Single Cylinder Fuel Injection Pumps

1. Dimensions

Dimensions of the pump shall be as per the design agreed to between the buyer and the exporter.

2. Construction

The fuel injection pumps shall be of robust construction incorporating the suitable quality material and workmanship in accordance with the best trade practice.

3. Tightness against fuel inlet pressure

There shall be no leakage of air from any part of the pump when the fuel injection pump is submerged in the test oil (any light and chemically inert oil) maintained at 30 °C and an air pressure of 1 kgf/cm² is applied at the fuel inlet.

4. Tightness against injection pressure

The fuel injection pump when operated with test oil at 30 °C against the nozzle release pressure of 175 kgf/cm², shall not show any leakage between delivery valve and pump body.

5. Pump discharge

The pump discharge shall be within ± 10 per cent of the rated discharge.

5. Specifications for Automobile Electric Horns (Vibrating type and Wind type)

1. Dimensions

The dimensions of the horns shall be as per the design agreed to between the buyer and the exporter.

2 Interchangeability

Components of a particular model and type shall be interchangeable. Mounting arrangements of the horn shall be so designed that one make and type of horn is easily replaceable by another.

3. Function

The horn shall function satisfactorily when working at + 33 per cent and -15 per cent of the rated voltage of the horn.

4. The horn shall be able to withstand the following tests satisfactorily.

(1) High voltage test—The test piece shall be isolated from the condenser and the internal ground and shall be subject to 30 seconds electrification with an alternating current of 500 volts RMS at 50 c/s between any of the terminals and the ground. The test piece shall satisfactorily withstand this test without arcing or puncture.

(2) Load test—The load current of the horn shall not exceed the following values—

Rated voltage of the horn	Maximum current	
	For vibrating type	For wind tone type
Up to 24 volts . . .	3.5 amperes	6.0 amperes
Up to 12 volts . . .	5.5 amperes	10.0 amperes
Up to 6 volts . . .	7.7 amperes	15.0 amperes

(3) Bump test—The horn assembly shall be strapped to a horizontal support of wood and shall be allowed to fall freely from a height of 5 cm. The horn shall be subjected to 50 such consecutive falls. After, this the horn shall not show any sign of damage and shall pass the load test as specified in clause 4.2.

(4) Sound loudness test—This test may be carried out under prevailing atmospheric conditions and the level of the background noise shall be such that the reading produced on the meter by the noise is at least 10 dB below that produced by the horn under test.

The test may be carried out either in anechoic room or in an open space in which there is no obstacle within a radius of 12 meters and there shall be no acoustical focussing effects or nearly parallel walls. The horn shall be mounted in such a way that the sound waves emitted from the horn shall be

directed towards the microphone of the sound level meter in the horizontal plane. The microphone shall be placed in such a position that it is on the axis of the radiating horn and the sound waves are incident parallel to its diaphragm. For this test, weighting network curve shall be used on the sound level meter. The distance between the diaphragm plane and the centre of microphone shall be 200 ± 1 cm. The microphone shall be adjusted sideways or up and down so as to obtain the highest possible meter reading. The measured sound pressure level of the horn shall be between 90 and 115 dB for vibrating type and between 105 and 125 dB for wind tone type horns when the horn is connected to its rated voltage.

5. Painting

The painted surfaces shall be uniform, hard dry and adherent. A suitable test shall be carried out to check the adhesion of the painted surfaces.

6. General

The horn assembly shall be free from constructional and manufacturing defects.

6. Specifications for Ignition Coils

1. Material

Ignition coils shall be constructed from the most suitable materials free from flaws and suitable for tropical use. Any material used in the construction shall not be readily ignitable. Any material used shall be either inherently stable under exposure to all types of weather conditions or provided with a surface treatment to all faces and edges, applied after all machining and fabricating processes are completed so as to ensure stability of the material on exposure to weather. No hygroscopic material shall be used unless it has been previously rendered moisture-proof.

2. Construction

(1) Ignition coils shall be so designed as to withstand moisture, the heat developed in the windings, and the corona effects.

(2) Ignition coils shall be filled with an insulating material, such as oil or paraffin-like material. In addition to providing insulation, the oil or other material shall provide rapid heat dissipation and keep corona effects to a minimum.

(3) To prevent ignition coils from absorbing moisture, they shall be hermetically sealed.

3. Dimensions

The overall dimensions of the ignition coil shall be as per the design agreed to between the foreign buyer and the seller.

4. Workmanship and finish

All parts shall be manufactured in a thoroughly workman like manner in accordance with the current engineering practice. All steel surfaces to be painted shall be suitably pre-treated before painting.

5. Interchangeability

(1) Components of a particular model and type shall be interchangeable.

(2) Mounting arrangements of the ignition coils shall be so designed that one make and type should be easily replaceable by another.

6. The ignition coil shall be able to withstand the following tests satisfactorily.

(1) Insulation Resistance (Dry) test

(i) This test may be carried out at the prevailing atmospheric temperature and humidity.

(ii) The insulation resistance shall be measured between the coil primary terminal and outer casing by the application of a DC voltage of 500 V for one minute.

(iii) The insulation resistance value, thus measured, shall be not less than 10 megohms.

(2) **Secondary voltage**—The coil shall be first fitted with a suitable distributor or contact breaker and tested for operation at high temperature and low voltage as specified in 7.2 and 7.3 respectively. Under these conditions there shall be no misfiring for the test for operation at high temperature whereas the permitted percentage of misfiring shall be not more than 25 in case of test for operation at low voltage. Spark gap shall be kept at 6 mm.

(3) **Test for operation at High Temperature**—After keeping the coil in air at 90 degree C for not less than 60 minutes the test for operation at high temperature shall be done under the following conditions :—

(a) Power supply

For 6-V type—6V
For 12-V type—12V
For 24-V type—24V

(b) Load resistance

(1) Between coil and distributor	10000 ohm
(2) Between distributor and spark gap with three electrodes	10000 ohm
(3) With contact breaker alone	20000 ohm
(c) Rotation speed of distributor or contact breaker	3000 sparks/min.

(4) **Test for operation at low Voltage**—This test shall be done under following conditions in the prevailing atmospheric temperature and humidity :—

(a) Power supply

For 6-V type
For 12-V type
For 24-V type

4V
8V
16V

(b) Load resistance

(1) Between coil and distributor	10000 ohm
(2) Between distributor and spark gap with three electrodes	10000 ohm
(3) With contact breaker alone	20000 ohm
(c) Rotation speed of distributor or contact breaker	900 sparks/min.

(5) **High voltage test**—After keeping the coil at 90 degree C in air for not less than 60 minutes the high voltage test shall be conducted. The coil shall be able to withstand the high voltage test for more than one minute under the conditions specified below. When an insulator is put in the gap, there shall be no failure of the dielectrical material or flashover from high tension connection.

(a) Power supply

For 6-V type
For 12-V type
For 24-V type

8V
15V
30V

(b) Load resistance

(1) Between coil and distributor	10000 ohm
(2) Between distributor and spark gap with three electrodes	10000 ohm
(3) With contact breaker alone	20000 ohm

(c) Rotation speed of distributor or contact breaker	12000 sparks/min.
--	-------------------

(6) **Load test**—The primary coil shall be connected to the rated voltage for not less than 3 hours. At the end of this test, the coil shall be examined for any evidence or damage in winding or other parts and shall be subjected to performance test as follows :

(a) Power supply

For 6-V type
For 12-V type
For 24-V type

6V
12V
24V

(b) Load resistance

(1) Between coil and distributor	10000 ohm
(2) Between distributor and spark gap with three electrodes	10000 ohm
(3) With contact breaker alone	20000 ohm
(c) Rotation speed of distributor or contact breaker	500 rev/min.

(7) When tested under these conditions there shall be no misfiring.

(i) **Test for moisture resistance**—the coil shall be kept in a temperature of 50 degree to 60 degree C in a humidity chamber with a relative humidity not less than 95 per cent for a period of 48 hours. After this, the coil shall be removed from the humidity chamber and kept for 10 minutes and subjected to performance test as follows :—

(a) Power supply

For 6-V type	6V
For 12-V type	12V
For 24-V type	24V

(b) Load resistance

(1) Between coil and distributor	10000 ohm
(2) Between distributor and spark gap with three electrodes	10000 ohm
(3) With contact breaker alone	20000 ohm

(c) Rotation speed of distributor or contact breaker	500 rev/min.
--	--------------

(ii) **Hermetic sealing test**

The object of this test is to determine the effectiveness of the hermetic seals of ignition coils filled with liquid. This test is applicable if the filling is solid at normal temperature but liquid at the test temperature.

(a) **Conditioning**.—The ignition coil, with its seals downwards, shall be placed in an oven with circulating hot air and heated until the container temperature is 1 degree C to 5 degree C above 100 degree C and shall be maintained at this temperature for 10 minutes.

The ignition coil shall then be removed from the oven and allowed to stand for 10 minutes in a temperature of 27 degree ± 1 degree C.

Ignition coils with seals on more than one face shall be rotated so that each such face is in a downward position and the procedure laid down above repeated for each position.

(b) The samples shall be examined for liquid seepage; there shall be no seepage as determined by visual examination.

7. **Specifications for Starter Motor and its Armature (upto 24 volts DC only)**

1. **Visual examination**

Starters shall be examined for finish and adequate lubrication in revolving parts. All the parts shall be finished properly and shall be free from harmful defects, faults or cracks.

2. **Dimensions**

The dimensions, type and rating of the starter shall be as per agreement between the foreign buyer and the seller.

3. The starter shall be able to withstand the following tests satisfactorily.

(1) **Flash test**—Flash test shall be carried out in normal room conditions immediately after the starter has reached its operating temperature. The test shall be carried out between the terminals and external metal part of the starter by the application of an A.C. voltage of 500 volts r.m.s. having frequency of 50 c/s for 5 seconds. If necessary, as for example, if any of the terminals is internally grounded

the earth connection may be disconnected. As a result of this test, there shall be no looseness, cracking, charring, arcing or puncture of any of the parts.

- (2) **Insulation resistance test**—The test shall be carried out immediately after the starter has reached its operating temperature. The resistance shall be measured between the terminals and the external metal parts of the starter by application of a D.C. voltage of 500 volts for 5 seconds, under the prevailing atmospheric temperature and humidity conditions. If necessary, for example, if any of the terminals is internally grounded, the earth connection may be disconnected. The insulation resistance values thus measured shall be not less than one megohm.
- (3) **Free running test**—Run the starter upto full speed with no load on nominal voltage supply. There shall not be any undue sparking of brushes on commutator and there shall not be any excessive noise due to armature rubbing on poles or due to high commutator bars. There shall not be any undue vibration during this test.

- (4) **Vibration test**—The starter motor shall be rigidly fixed on a suitable vibrating machine and subjected to a simple harmonic vibration with an amplitude of 1.5 mm and a frequency between 30 to 50 c/s, for a period of one hour in the direction of each of the three major axis of the test piece. The starter motor shall be deemed to have passed this test if there is no evidence of any damage to the motor and it passes the free running test as given in clause 3.3.

4. Characteristic curve of the Starter Motor

The characteristic curves for the following shall be determined and supplied by the manufacturer under specified conditions.

- (a) Torque vs. current
- (b) Speed vs. current
- (c) Voltage at the terminals vs. current

The starter motor shall conform to the characteristics mentioned above.

8. Specifications for Sparking Plugs

1. Dimensions

Dimensions of the sparking plugs shall be as per the design agreed to between the buyer and the seller.

2. Tolerances

The tolerances on the terminal threads, hexagonal body and plug threads shall be such as to provide inter-changeable parts.

3. Acceptance tests

The sparking plugs shall be able to withstand the following tests :

- (1) **Sparking under pressure**—The sparking under a pressure of 9 kgf/cm² at room temperature shall be regular and of equal intensity.
- (2) **Insulation resistance**—Insulation resistance at a temperature of 500 degree C shall not be less than 1 megohm.
- (3) **Gas leakage**—Gas leakage at 200 degree C and 15 kg/cm² pressure shall be not more than 50 ml per

minute and gas leakage at a pressure of 15 kg/cm² and room temperature shall be not more than 5 ml per minute.

- (4) **Thermal shock test**—When subjected to the 'Thermal Shock Test', there shall be no crack on the insulators. The thermal shock test shall be carried out on the insulator alone by dipping it into a molten tin bath maintained at 500 degree C upto half the length of the insulator foot and kept in that position for 4 minutes and after that taking it out and allowing it to cool to room temperature. After this, the insulator shall be dipped in colouring medium like alcohol fuschine solution having 0.5 per cent fuschine dissolved in methyl alcohol. After this test, the insulator shall be free from cracks.
- (5) **Torque test**—There shall be no breakage at the throat of the spark plug when it is subjected to a torque of 5 kgf.m. by a torque wrench, screwing the spark plug in a hardened steel block.
- (6) **Impact test**—The plugs shall be able to sustain an impact energy of 1.5 kgf.cm. and the average breaking impact energy shall be 3 kgf.cm.

4. General

The sparking plugs shall be free from manufacturing and constructional defects.

9. Specifications for Automobile Dynamos, Its Armatures and Field Coils

1. Materials and construction

(1) Commutator

The commutator segments shall be made of copper having conductivity of not less than 97 per cent. Insulation separators shall be made of mica, built up mica, or resin bonded asbestos or similar material. The commutator shall be turned and when tested in a dial gauge between Vee blocks shall not give a bar to bar variation exceeding 0.005 mm and not more than 0.05 mm eccentricity on total dial reading.

(2) Field Coils

The total resistance of the field coil shall be within ± 5 per cent of the rated resistance. The shape of the field coils shall be uniform.

2. Output

The output of the dynamo in watts shall be within—5 per cent of the rated output at rated voltage.

3. The dynamo, armature and field coil shall be to withstand the following tests satisfactorily.

- (1) **Flash test for armature**—The armature shall be subjected to a flash test between commutator and shaft with an alternating current at 500 V and 50 c/s. As a result of this, there shall be no looseness, cracking, charring, arcing or puncture of any portion of the armature. This test should be conducted after the operating temperature has been obtained.
- (2) **Flash test for Field Coils**—The field coil after being fitted into the yoke shall be flash tested between coil terminal and yoke with an alternating current of 500 V having a frequency of 50 c/s. As a result of this test, there shall be no looseness, cracking, charring, arcing or puncture of any portion of the field coil. This test should be conducted only after the coil has reached its operating temperature.
- (3) **Temperature rise test**—The temperature rise of dynamos for all types of enclosures, when tested in ambient temperature not exceeding 40 degree C and at an altitude not exceeding 1000m, and under the rated conditions, shall not exceed the limits given in the Table below.

TABLE

LIMITS OF TEMPERATURE RISE

	Temperature-Rise Measured By Thermometer	
	Class A Insulation	Class E Insulation
Insulated windings and cores in contact therewith .	50°C	65°C
Uninsulated parts, including cores not in contact with insulated windings and armature windings	The temperature rise shall, in no case, reach such a value that there is risk of injury to any insulating materials on adjacent bars.	

- (i) **For commutators**—The temperature rise for commutators shall not exceed 115 degree C above and ambient temperature not exceeding 40 degree C.
- (ii) If the windings of the dynamo are not readily accessible to thermometer, the resistance method of measurement of temperature rise may be used, in which case the temperature rise limits shall be 60 degree C for windings with Class A insulation and 75 degree C for windings with Class B insulation.
- (4) **Overspeed test**—When the dynamo is run at a speed 10 per cent higher than 4 times the rated speed for one hour, the dynamo shall not show any sign of failure and shall conform to the requirements of Clause 2 after this test.
- (5) **Test for coils**—When the rated voltage is applied to the coils of the armature, the ammeter shall record equal readings for all coils within \pm 5 per cent.

4. Noise and Vibration

During running of the dynamo, there shall be no undue vibration and noise and the running shall be smooth.

5. Dimensions

Overall dimensions of the dynamo and armature shall be as per the design agreed to between the buyer and the seller.

6. Endurance test

The dynamos shall be able to withstand the endurance test given in the Appendix.

7. General

The dynamo and its parts shall be free from constructional defects.

APPENDIX

(Clause 6)

ENDURANCE TEST

1. General

(1) All the following tests shall be carried out with the correct ventilating fan for the dynamo, unless specified otherwise by the manufacturer.

(2) Belt drive shall be used in all tests other than those to determine output characteristics when a direct drive may be used.

2. Out put Characteristics

(1) **Apparatus**—The following apparatus are required for this test.

(i) **Drive**—variable speed, 400 to 12500 rev./min.

(ii) **Meters**—Meters shall be provided for measurement of speed, voltage and current.

(iii) **Field Resistance**—variable, to be connected between the dynamo output terminal and the field terminal. Alternatively a single bobbin current regulator may be employed.

(iv) **Load resistance**—variable, to be connected between the output terminal and other armature brush connection.

(2) **Temperature Stabilization Run**.—The temperature stabilization run shall fulfil the following conditions:

- (a) Dynamo speed 6000 \pm 200 rev./min.
- (b) Dynamo output rated current
- (c) Terminal voltage 6.7, 13.5 or 27V for 6-, 12-, and 24-volt machines
- (d) Duration of run one hour
- (e) Ambient temperature 40°C maximum.

(3) **Hot cutting-in speed Check**.—The value of the hot cutting-in speed shall not exceed by more than 7-7½ per cent increase of the normal specified value when checked in the following manner at the temperature attained in the temperature stabilizing run (see 2.2).

- (a) Field terminal connected directly to the output terminal.
- (b) The dynamo speed shall be increased slowly from zero until the output voltage attains 6.5, 13 or 26V as the case may be. The speed at which this voltage is attained is the hot cutting-in speed.

(4) **Hot output Current Check**.—The values of hot output current shall be not less than that specified by the manufacturer when checked in the following manner:

- (a) **Temperature of dynamo**—stabilized temperature (see 2.2)
- (b) **Terminal voltage**—6.7, 13.5 or 27V or 6-, 12- and 24-volt machines.
- (c) Several readings of hot output current shall be taken at the above terminal voltage by varying the values of load resistance and dynamo speed.

3. Operational Life Tests

(1) **Normal speed test**.—The dynamo shall complete the following test without failure and shall comply with the requirements of the hot cutting-in speed check and hot output current check on completion of the test. Brushes shall not have worn to their limiting lengths and their flexible connections shall not be visible in their working faces. The total eccentricity and maximum bar to bar variation of the commutator when measured on a track beyond that covered by the brushes shall not exceed the values specified for the machine in new condition:

- (a) Ambient temperature 40°C maximum
- (b) Dynamo output 2/3 rated current
- (c) Terminal voltage 6.7, 13.5 or 27V
- (d) Speed 50 per cent of maximum speed
- (e) Duration of test 500 hours

(2) **High speed test**.—The dynamo shall complete the following test without failure and the brushes shall not have worn to their limiting lengths. The total eccentricity and maximum bar to bar variation of the commutator when measured on a track beyond that covered by the brushes shall not exceed the values specified for the machine in new conditions:

- (a) Ambient temperature 40°C maximum
- (b) Dynamo output rated current
- (c) Terminal voltage 6.7, 13.5 or 27 V
- (d) Speed Maximum speed
- (e) Duration of test 50 hours

(3) **Overspeed test**.—The dynamo which has completed the high speed test shall be reassembled and fitted with new

brushes, if necessary. No failure shall occur and the commutator eccentricity and bar to bar inequality (after cooling to room temperature) shall not exceed the values specified for the machine in new condition when measured as in 3.2 after completing the following test :

- (a) Condition before test temperature stabilizing run
(See 2.2)
- (b) Ambient temperature 40°C maximum
- (c) Dynamo output rated current
- (d) Terminal voltage 6.7, 13.5 or 27 V
- (e) Speed maximum speed +10 per cent
- (f) Duration one hour

10. Specifications for Headlight Assembly

1. Material

(1) Lens—The lens shall be free from cracks, flaws and distortion. The lens shall be free from wrinkles and other defects which have an adverse effect on the lighting characteristics and appearance of the lens.

(2) Body—The body of the headlight shall be protected either by stove enamelling or by electroplating.

(3) Reflector—They shall be bright finished by silver plating, nickel plating or coated with aluminium by 'Aluminium Vacuum Deposition' process. The plated surface shall be uniform and free from plating defects.

(4) Gasket—Gasket used to seal movable parts shall be so designed or attached that they should not hinder or interfere with the case of re-assembling in service when replacing burnt out bulb. The material shall be water-proof and shall be free from cracks and other defects.

5. Retaining and Mounting Ring

(i) Positive means shall be provided for holding the unit to the mounting ring. The fastening means shall be deemed adequate if it is able to withstand and hold the light unit securely in its proper position at the end of 25 replacements.

(ii) When the light unit is secured between the retaining ring and the mounting ring, it shall be held tight so that it will not rattle.

(6) Connector—The voltage drop between the light unit contact and connector end of a 75 mm wire lead from the socket shall not exceed 40 milli-volts with 10 ampere load.

(7) Lamps—The lamps used shall conform to the "Specification for Automobile Lamps" recognised for the purpose.

(8) Assembly—The assembly shall be satisfactory and dust-proof.

2. Dimensions

The dimensions of the various parts of the lights shall be as per the design agreed to between the foreign buyer and the seller. The tolerances on the various dimensions shall be such as to provide inter-changeable parts.

3. Bulb Holder and Contact Points

The bulb holder and the contact points for the bulb shall be free from rust, scale or any other harmful defects. The electrical conducting parts of the bulb holder shall be made from suitable material capable of withstanding the rated current and voltage as applicable to the bulb fitted in the holder, without getting over heated.

4. Painting

The painted surfaces shall be uniform, hard, dry and adherent. A suitable test shall be carried out to check the adhesion of the paint.

5. General

The various parts of head light shall be free from dents, deep drawing marks, scratches, cracks, burns and other manufacturing defects.

6. Tests

(1) Electrical continuity—Each and every light shall be checked for its electrical continuity by fitting a suitable bulb and applying the rated voltage between the terminals of the holder. The bulb shall glow properly under above conditions.

(2) Plating test—All plated surfaces shall be subjected to the following test :

Cut a piece of a plated article, hold it in a vice and apply a coarse file to the cut edge in such a manner as to raise the deposit. There shall be no separation between the coating and the base metal.

(3) Vibration test—The test piece mounted on a suitable support shall be rigidly fixed on a suitable vibrating machine and subjected to a simple harmonic vibration with an amplitude of 1.5 mm and at a frequency between 30 to 50 c/s. for a period of one hour in the direction of each of the three major axis of the light. At the end of this test, the test piece shall be examined and any unit showing evidence of material defects, lens or reflector rotation displacement or rupture of parts except filament lamp failure, shall be considered to have failed in the test.

(4) Test for operation—All the lights shall be tested by fitting the bulb and applying the rated voltage to ensure satisfactory operation of the assembly.

(5) Test for gaskets—The gaskets shall be tested as follows :

A complete light unit shall be placed, lens down, in an oven at the temperature held at $115^{\circ} \pm 20^{\circ}\text{C}$ for a period of one hour. After this test there shall be no evidence of discolouration or deposit on the reflecting surface.

7. Photometric requirements

The photometric requirements of the headlight assembly shall be either as per IS: 3563-1966 (or its latest version) or any other relevant national standard of a foreign country.

11. Specification for Automobile Lamps (Bulbs)

1. Dimensions

The dimensions shall be as per the design agreed to between the buyer and the seller.

2. Solder

The solder shall be so applied as not to interfere with proper engagement of the cap in the holder and to ensure satisfactory electrical contact.

3. Wattage

The wattage shall be as per the agreement between the buyer and the seller subject to a tolerance of $\pm 10\%$ on the rated wattage.

4. Efficiency

The efficiency of the lamps in terms of lumens per watt, after ageing for 15 minutes at the rated voltage, shall not be less than as specified in Tables 4, 5 and 6 for miniature lamps, medium lamps and headlight lamps of IS: 1606-1966.

5. Torsion test for cap

The cap shall be attached to the bulbs so strongly as to withstand the following torsional moment without any damage.

(1) For single contact bulbs, the torsional moment shall be 2.5 kgf. cm.

- (2) For double contact bulbs, the torsional moment shall be 11.5 kgf. cm.

6. Life—miniature lamps, medium lamps and headlight lamps (pre-focussed lamps)

The life of the bulb shall be as per the number of hours mentioned under life test in Tables 4, 5 and 6 of IS: 1606-1966. The life test will be specified in number of hours tested at the specified test voltages given in the above tables.

7. General

The bulbs shall be clear uncoloured and free from detrimental defects.

12. Specification for Axle Shafts

1. Material

The axle shafts shall be manufactured from medium carbon steel or any suitable alloy steel.

2. Hardness

The hardness at the splined ends of the axle shafts shall be as follows :

- (1) For induction hardening—371 BHN to 578 BHN.
- (2) For through hardening—321 BHN to 363 BHN.

3. Dimensions

Dimensions of the axle shafts shall be as per the design agreed between the foreign buyer and the seller subject to the following minimum tolerances:

4. Tolerances

- (1) Tolerance on major diameter of the splined shaft shall be + 0.000 and — 0.025 mm.
- (2) Tolerance on minor diameter of the splined shaft shall be + 0.000 and — 0.038 mm.
- (3) Tolerance on width of spline shall be + 0.000 and — 0.250 mm.
- (4) General tolerance \pm 0.25 mm.
- (5) Tolerance on overall length \pm 1.25 mm.

5. General

The axle shafts shall be free from cracks, splits, pits and other harmful defects.

13. Specifications for Automotive Brake Lining

1. Material

The material of the lining shall be asbestos fibre mixed with suitable fillers and bonding agents and shall satisfy the requirements given in the subsequent clauses.

2. Dimensions

The dimensions shall be as per the design agreed to between the foreign buyer and the seller subject to the tolerances specified in Clause 3.

3. Tolerances

Up to and including 5 mm thickness, the tolerance on thickness shall be + 0.00 mm and — 0.2 mm and tolerance on width shall be + 0 mm and — 0.8 mm. For over 5 mm thickness, the tolerance on thickness shall be + 0 mm and — 0.3 and tolerance on width shall be + 0 mm and — 0.8 mm.

4. Depth of counterbore for rivets

Unless required otherwise by the foreign buyer, for the brake lining of less than 5 mm thickness, the countersinking

should be 50 per cent of the thickness of the lining. For lining above 5 mm thickness, the countersinking should be 2/3rd of the thickness of lining.

5. Oven test

The lining shall not show any evidence of blistering, swelling or distortion when heated in an oven for 2 hours at 200° C. The change in thickness shall not be more than 0.25 mm.

6. Wear Properties

The manufacturer shall declare the wear properties of the particular quality of lining in terms of loss in volume per unit of work done (e.g. cm³/kwh or in³/hp.h)

7. Friction requirements

The values of co-efficient of friction for different types of brake lining shall be as per the Table given below.

TABLE

Type of Brake Lining	Class of Brake lining	Co-efficient of friction
Rigid moulded sets, or flexible moulded rolls or sets.	Medium friction	0.28 to 0.40
Do.	High friction	0.36 to 0.45
Rigid woven sets, or flexible woven rolls or sets.	Medium friction	0.33 to 0.43
Do.	High friction	0.43 to 0.53

8. Wear test and Wet Friction test

The brake lining shall meet the requirements of wear test and wet friction test as laid down in IS: 2742-1964 or its latest version.

9. General

The finished brake lining shall be free from defects, such as, cracks, scorings, indentations, unevenness or other defects affecting its life and serviceability. The frictional characteristics of the lining shall be uniform throughout the life of the wearing portion. The lining shall have sufficient mechanical strength to permit it to be drilled and riveted securely to brake shoes, so that it does not crack during rivetting operation or slip or crack during use.

14. Specification for Brake Drums

1. Material

(1) The material used for the brake drums shall be cast iron with a minimum tensile strength of 20 kgf/mm² for Light and Medium Motor Vehicles. Brake drums for Heavy Motor Vehicles shall be of cast iron having a minimum tensile strength of 26 kgf/mm². The classification of motor vehicles in Light, Medium and Heavy shall be as per the subsequent clauses.

(2) 'Heavy motor vehicle' shall mean a transport vehicle or omnibus, the registered laden weight of which, or a motor car or tractor, the unladen weight of which, exceeds 18,000 pounds avoirdupois.

(3) 'Light motor vehicle' shall mean a transport vehicle or omnibus, the registered laden weight of which, or a motor car or tractor, the unladen weight of which, does not exceed 6,000 pounds avoirdupois.

(4) 'Medium motor vehicle' shall mean motor vehicle other than a motor cycle, invalid carriage, light motor vehicle, heavy motor vehicle or road roller.

2. Dimensions

Dimensions and other details shall be as per the design agreed to between the buyer and the seller subject to the tolerance specified in Clause 3.

Each spring shall be deflected three times in quick succession, after which it shall show no permanent set. The deflection shall be measured from the 'free height'. The scragging machine used shall be the quick acting type:

7. General

The flats shall be substantially straight and free from lateral kinks, waves, twists or other surface imperfections such as splits, flakes and pits which render them unsatisfactory for spring manufacturing purposes.

17. Specification for Shackle Pins

1. Hardness

(1) The hardness of the shackle pins shall not be less than 70.4 Rockwell Number on 'A' scale (equivalent of 40 Rockwell Number on 'C' Scale).

(2) The case depth of hardness shall not be less than 0.75 mm.

2. Design and Dimensions

The dimensions of the shackle pins shall be as per the design agreed to between the foreign buyer and the seller subject to the tolerances specified in Clause 3.

3. Tolerances

(1) The tolerance on length shall be ± 0.50 mm.

(2) The tolerance on diameter shall be plus 0.00 mm and minus 0.05 mm.

(3) The general tolerance shall be ± 0.25 mm.

4. Workmanship and finish

The shackle pins should be ground to have a smooth finish. The pins shall be free from cracks, pin marks and other manufacturing defects. The sharp edges shall be suitably chamfered or rounded off.

5. Preservation

The shackle pins shall be fully covered with rust preventive oil or grease suitable for the purpose.

18. Specifications for Helical Spring for Automobile Suspension

1. Material

The springs shall be manufactured from spring steel having the following tensile strength.

Size	Tensile strength in kgf/mm ²
(a) Bars of 6 mm dia	110 to 155
(b) Bars over 6 mm dia	95 to 150

2. Dimensions

Dimensions of the springs shall be as per the design agreed to between the foreign buyer and the seller, subject to the tolerances specified in Clause 3.

3. Tolerances

Tolerances on the dimensions of the springs shall be as follows :

(1) Inside coil dia. of the springs	Tolerance
(i) 75 mm or less	± 1 mm
(ii) above 75 mm	± 2 mm
(2) Diameter of the spring wire or bar	Tolerance
(i) Below 10 mm dia or width	± 0.1 mm
(ii) Above 10 mm dia or width	± 0.2 mm
(3) Tolerances on diameter of centreless ground bars shall be ± 0.05 mm.	

4. Free height

After compressing the spring to solid height and slowly decompressing, the free height of the spring shall not exceed the specified value by more than 3 mm or 1.25 per cent whichever is less, nor shall it be less than the specified value by more than 1.5 mm or 5/8 per cent whichever is less.

5. Uniformity of pitch

The pitch of the coils shall be sufficiently uniform so that when the spring is compressed, unsupported laterally, to a height representing a deflection of 85 per cent of nominal total deflection, none of the coils shall be in contact with one another excepting the initial coil in the case of closed end springs.

6. The springs shall be able to withstand the tests prescribed below, but they shall be compressed metal to metal before subjecting them to the following tests.

(1) Load test—A load height measurement when made either by measuring the load corresponding to a fixed height or by measuring height produced by a fixed load, shall comply with the tolerances on load and rate of helical springs as given below :

No. of active coils	Load tolerance	Rate tolerance
9 or less	± 10 percent	± 8 percent
Over 9	± 8 percent	± 6 percent

The load and deflection readings shall be taken while the load is being applied and not while it is being released. For the purpose of above test load shall mean the compressive force required to deflect the spring to the specified 'Load' height and 'Rate' shall mean half the difference between the load in kgs. measured 2 cm above and 2 cm below the specified load height, while the springs are under compression.

(2) Scrag test—The spring shall be pressed to solid height 3 times in succession. It shall then conform to the dimensional requirements specified in clauses 2, 3 and 4.

(3) Cramp test—The helical spring shall be subjected to cramp test by holding it compressed to the minimum working compressed height for a period of not less than 6 hours. After this test, it shall conform to the dimensional requirements of clauses 2, 3 and 4.

7. Finish

The end bearing surfaces of the spring shall be ground to produce a flat bearing surface so as to ensure squareness of ends of the spring axis within a limit of 3° .

8. General

The bars for the manufacture of the spring as well as finished spring shall be free from surface cracks, rust, seam decarburisation, piping and other defects.

19. Specifications for Ammeters

1. Construction

(1) The construction of the instrument shall be mechanically sound, free from evident mechanical defects, suitable for its purpose, and such as to give reasonable assurance of permanence in mechanical, electrical and magnetic adjustments.

(2) The instrument shall be contained in a suitable dust-tight case of sufficient strength to afford adequate protection against injury when reasonably used and any accessory apparatus shall, if any, be suitably protected to ensure safety and permanence of the accuracy of indication.

(3) A case purporting to be water-tight shall withstand complete immersion for one hour, under a 920 mm (or 3 ft.) head of water, without penetration of moisture into the interior.

(4) A case purporting to be weather proof shall be so constructed or protected that exposure to weather or splashing of water shall not impair the operation of the instrument.

(5) The case shall be so constructed that usual variation in temperature and humidity under service conditions shall not affect the indications of the instrument beyond the limits permitted by this standard.

(6) The case shall be insect-proof.

(7) All reasonable precautions shall be taken in the design and manufacture of instruments to prevent undue fogging of the instrument glass. No material whose properties are deleteriously affected by exposure to temperature and humidity, shall be used in rendering the glass or such other transparent material dust-proof, weather-proof or water-tight.

2. Scale Plate and Marking

(1) Scale Plate—The scale plate shall be of metal of white matt enamel finish, on which all markings and figurings shall be in black, unless specifically stated otherwise by the purchaser.

(2) Width of Division—For all instruments provided with anti-parallax mirror, the width of a scale division within the effective range shall be not less than 0.8 mm (or 0.03 in) measured along with bottom line of the scale.

(3) Construction of Scales

- (i) Scale shall consist of long and/or medium and short scale marks.
- (ii) The scale divisions shall be consistent with the requirement of 2(2). The medium scale mark shall be not less than 1.3 times nor more than 1.5 times the length of the short scale mark. The long scale mark shall be not less than 1.7 times nor more than 2 times the length of the short scale mark.
- (iii) Short scale mark shall, unless otherwise required by the purchaser, be bounded by two lines running parallel to each other in the direction of the scale throughout its length.

The thickness of the scale mark shall not differ noticeably from the thickness of the pointer knife-edge.

(4) Figuring

- (i) Scales shall in general be figured at suitable long or medium scale marks, but not at both, except that the scale-end marks may be figured irrespective of their lengths.
- (ii) The digits shall be of such shape as to minimize risk of different digits being confused with one another, and shall be so spaced as to render individual groups clearly distinguishable from adjacent groups.

3. Pointer

(1) The pointer shall be light and rigid and so shaped as to lend itself to ease and accuracy of reading.

(2) The pointer shall be insulated from the electric circuit of the instrument unless the scale plate and stops are at substantially the same potential as the pointer and are insulated from the case.

(3) In any instrument not provided with means for avoiding errors or reading due to parallax, the clearance between the scale and the portion of the pointer which traverses it shall be not more than 1.5 mm (or 0.006 in.) or 1/100th part of the length of the scale whichever is greater.

(4) For instruments with platform scales, the length of a pointer other than knife-edge pointer shall be such that the tip extends over more than one third but not over more than two thirds of the length of the shortest scale-mark.

(5) A knife-edge pointer shall extend over the whole length of the short scale-mark, but not appreciably beyond them.

4. Direction of Deflection

(1) Unless otherwise required by the user, the direction of the deflection of the pointer of an instrument, other than a vertical edge-wise instrument, shall be from left to right with an increasing positive quantity and when the angular deflection is more than 180° the direction of deflection of the pointer shall be clock-wise with the zero and maximum points below the horizontal centre line.

(2) Unless otherwise required by the purchaser, the direction of deflection of the pointer of a vertical edge-wise instrument shall be upwards with an increasing positive quantity.

5. Terminals

(1) When the direction of the current is important, the polarity of the terminals shall be indelibly marked so as to indicate clearly the proper direction of the current through the instrument.

(2) On the instruments intended for use on direct current, the lefthand or lower terminal, as seen from the front of the instrument, shall, unless otherwise required by the purchaser, be the positive terminal and shall be marked accordingly.

(3) If on the ground of safety, or for any other reason, it is desirable to earth one terminal that terminal shall be marked 'E'.

6. Insulation Resistance test

The insulation resistance between the terminals and the containing case, or other metal parts not intended to be insulated from the case when the instrument is in use, shall be not less than 3 megohms.

7. High voltage test

(1) The instrument shall withstand the high-voltage test when a voltage of five times the rated voltage is applied.

(2) Method of testing—The voltage shall be increased from a relatively low value to full test value as rapidly as is consistent with its magnitude being indicated by the measuring instrument. The full test value shall be maintained for one minute and then rapidly reduced to a relatively low value before being switched off.

8. Accuracy test

The error in indication of an ammeter when tested as per standard trade practice shall not exceed ± 5 per cent of the scale range.

9. Damping test

With current adjusted to three-fourths of the full-scale value in the case of permanent magnet moving coil instrument and 10 per cent of the full scale value in all other cases, the deflection of the pointer shall not exceed full scale value when the current is suddenly applied.

10. Vibration test

The instrument shall be mounted on a rigid plate in the normal position and then bolted to the vibration table. The table shall execute a sinusoidal motion of amplitude of 0.09 ± 0.04 mm, the number of vibration per second being varied from 10 through 100 and back to 10 again in a period of 4 minutes. During this test, there shall be no resonant vibration of any parts of the instrument, of such amplitude as to result in damage to the instrument. In the completion of one cycle of vibration test, the instrument should be deemed to have passed this test if it passes the accuracy test as per clause 8.

11. Overload test

An overload test shall be carried out on the instrument if required by the purchaser, who shall also specify the degree of overload.

20. Specifications for Automotive Hydraulic Shock Absorbers

1. Material

The material used for the fabrication of various parts shall be such as shall satisfy the requirements of the subsequent clauses.

2. Dimensions

The dimensions including the opening and closing dimensions of the shock absorber shall be as per the design agreed to between the foreign buyer and the seller.

3. Visual inspection

The finished product shall be free from dents, flaws, unpainted surfaces and other defects prejudicial to the assembly and operation of the shock absorbers.

4. Painting

The paint shall be uniform, hard dry and of proper adherence. A suitable test shall be carried out to check the adhesion of the paint.

5. Oil

The oil used in the shock absorbers shall have the properties given in the table below:—

TABLE

S. Character- No.	For light Duty	For Medium Duty	For Heavy Duty
1. Viscosity .	Saybolt vis- cosity at 100°F— 100°F—65 to 67 sec- onds, at 210 F—35.6 seconds avrage.	Saybolt vis- cosity at 100°F— 118.2 seconds at average, at 210°F—94 to 99 seconds.	Saybolt vis- cosity at 100°F— 294.3 seconds, 210°F—150— —155 seconds.
2. Flash point	335°F	470°F	425°F
3. Pour point	20°F Max	25°F	25°F Max

6. The shock absorbers shall be able to withstand the following tests satisfactorily :

(1) **Operation test.**—The shock absorbers shall be tested with the help of a suitable apparatus capable of recording the dampening ability diagram for complete work cycle (compression and rebound) of the shock absorber. The dampening ability diagram shall be in accordance with the design diagram or the design figures specified by the foreign buyer. The operation of the shock absorber shall be smooth and steady.

(2) **Test for fuel resistance.**—Immerse a portion of the painted surface of the shock absorber into gasoline at room temperature for 30 minutes. After this test, the painted layer shall not dissolve, wrinkle or develop blisters.

7. General

There shall not be any leakage of oil during the operating conditions of the shock absorber.

21. Specifications for Wiper Assembly Including its arm and blade

1. Material

The wiper arm and support for the rubber blade shall be made from suitable quality of spring steel which shall ensure satisfactory performance during usage.

2. The rubber element of the wiper shall be capable of operating between 35°C and 29°C without any damage to it.

3. Dimension

The dimensions and shape of the wipers shall be as per the design agreed to between the foreign buyer and the seller. The design of the wiper shall be such as is capable of attaining 45 cycles per minute without any damage to its parts.

4. Durability

The durability of the wiper assembly shall be declared by the seller and shall not be less than 1,500,000 cycles for the complete wiper and not less than 500,000 cycles for the blade element made of rubber. The blade shall be free from warping after this test.

5. Chemical resistance

The rubber element of the wiper shall not be affected by 50 per cent methyl or isopropyl alcohol when dipped in it for a period of five minutes.

6. Painting and Plating

(1) All the exposed metallic surfaces of the wipers shall be either stove enamelled or plated with nickel or chromium. The painted or plated surfaces shall be free from flaws. The thickness of plating shall be not less than 0.04 mm.

(2) The plating shall be so adherent as to pass the following test :

Cut a piece off a plated article, hold it in a vice and apply a coarse file to the cut edge in such a manner as to raise the deposit. There shall be no separation between the coating and the base metal.

(3) The painted surface shall be uniform, hard dry and adherent. A suitable test shall be carried out to check the adhesion of the paint.

7. General

The wiper assembly and its parts shall be free from manufacturing defects. The workmanship and finish shall be as per the best trade practice.

[No. 60(64)/EIEP/68]

का. आ. 459.—नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और भारत सरकार के भूतपूर्व वाणिज्य मंत्रालय की अधिसूचना सं. का. आ. 3225, 3226 और 3227, ता. 8 सितम्बर, 1967 की अधिकान्त करते हुए, केन्द्रीय सरकार, निम्नलिखित नियम एवं दस्तावेज बनाती है, अर्थात् :—

1. सीक्षण नाम और प्रारम्भ — (1) इन नियमों का नाम मोटर गाड़ी (आटोमोबाइक्स) के अतिरिक्त पुर्जे, संघटक और उपसाधन नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1973 होगा।

(2) ये 17 मार्च, 1973 को प्रयुक्त होंगे।

2. परिभाषा :—इन नियमों में, जब तक कि संदर्भ से अन्यथा अर्थात् न हो —

(क) “अधिनियम” से नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) अभीप्रैत है।

(ख) "अभीकरण" से अधीनियम की धारा 7 के अधीन मूल्यांकन, कलकत्ता, कोक्षीन, दिल्ली और मद्रास में स्थापित नियंति निरीक्षण अभिकरणों में से कोई एक अभिकरण अभीप्रत है।

(ग) "मोटर गाड़ी" से कोई स्पष्टालित वा तीन या अधिक चक्रों का एकल या बहुधारी वाला यान अभीप्रत है।

(घ) "मोटर गाड़ी" के अतिरिक्त पुर्जाँ, संघटकों और उपसाधनों से मोटर गाड़ियों और ट्रैक्सरों में (वहाँ यान से संलग्न हो या न हो) जिसके अन्तर्गत वह भी है, जो इन नियमों की अनुसूची 1 और 2 में दिए गए मूल उत्पाद के लिए प्रतिस्थापन पुर्जे के रूप में प्रयुक्त होता है, अर्थात् अभीप्रत है।

3. ब्यांकिंग नियंत्रण :—(1) नियंति के लिए आशार्यत मोटर गाड़ी के फालत, पुर्जाँ संघटकों और उपसाधनों की क्वालिटी, इन नियमों के उपार्थन में यथा दिए गए नियंत्रणों के स्तरमानों के साथ विनिर्माण के विभिन्न प्रक्रमों पर, निम्नलिखित नियंत्रणों को प्रभावी करके सन्निश्चित की जाएगी, अर्थात् :—

1. क्रय की गई सामग्री और संघटक नियंत्रण :—

(क) प्रयुक्त की जाने वाली सामग्रियों/संघटकों के गणधर्मों और सहनों के साथ उनके व्यांकिंग विभागों को समीक्षित करते हुए क्रय विनिर्देश विनिर्माता द्वारा अधिकथित किए जाएंगे।

(ख) स्वीकृत परेषण था तो प्रदायकता के क्रम विनिर्देशों की आवश्यकताओं को संपूर्ण करने वाले परख/निरीक्षण प्रमाण पत्रों के साथ उस द्वारा में होंगे जिसमें 3 मास में क्रम से क्रम एक बार यद्योऽकदा होने वाली जांचपहलाल विशेषज्ञ प्रदायकता के लिए केता द्वारा प्लॉक्ट परख/निरीक्षण प्रमाणपत्रों की शृंखला को स्थापित करने के लिए संचालित की जाएगी या क्रय की गई सामग्रियों/संघटकों का या तो कारखाने के भीतर किसी प्रयोगशाला में या बाह्य प्रयोगशाला या परख-सदन में नियमित रूप से निरीक्षण/परख किया जाएगा/की जाएगी।

(ग) क्रियान्वित किए जाने वाले निरीक्षण/परख के लिए नमूनों का लेना किसी अभिलिखित अन्वेषण पर आधारित होगा।

(घ) निरीक्षण/परख क्रियान्वित किए जाने के पश्चात् व्यवस्थित स्वीकृत या अस्वीकृत की गई सामग्रियों/संघटकों को एकत्रित करने में और अस्वीकृत सामग्रियों के व्ययन में अंगीकृत की जाएगी।

(ङ) उपर वर्णित नियंत्रणों के बारे में पर्याप्त अभिलेख व्यवस्थित रूप से रखे जाएंगे।

(2) प्रक्रिया नियंत्रण

(क) व्यांकिंग प्रक्रिया विनिर्देश विनिर्माण की विभिन्न प्रक्रियाओं के लिए विनिर्माता द्वारा अधिकथित किए जाएंगे।

(ख) प्रक्रिया — विनिर्देशों में तथा अधिकथित प्रक्रियाओं के नियंत्रण के लिए उपस्कर/उपकरण-सुविधाएं पर्याप्त होंगी।

(ग) विनिर्माण की प्रक्रिया के दौरान प्रयुक्त नियंत्रणों के स्थापन को सुनिश्चित करने के लिए पर्याप्त अभिलेख रखे जाएंगे।

(3) उत्पाद नियंत्रण :—

(क) अधीनियम की धारा 6 के अधीन मान्यताप्राप्त विनिर्देशों के अनुसार उत्पाद की परख के लिए विनिर्माता की स्वयं अपनी पर्याप्त परख सुविधाएं होंगी या किसी अन्य स्थान पर विद्यमान ऐसी परख सुविधाओं के लिए पहुंच होगी।

(ख) परख/निरीक्षण के लिए नमूने का लेना किसी अभिलेख व्यवस्थित अन्वेषण पर आधारित होगा।

(ग) क्रियान्वित की गई परख/निरीक्षण के बारे में पर्याप्त अभिलेख व्यवस्थित रूप से रखे जाएंगे।

(4) परिरक्षण नियंत्रण :—

(क) विनिर्माता द्वारा मौसमी दशाओं के प्रतिकूल प्रभाव से उत्पाद की रक्षा करने के लिए व्यांकिंग विनिर्देश अधिकथित किया जाएगा।

(ख) उत्पाद, मंडाकरण के दौरान और अभिवहन के दौरान, दोनों में, अच्छी तरह से परिरक्षण किया जाएगा।

(5) पैकिंग नियंत्रण :—

प्लॉक्ट उत्पाद के पैकिंग के लिए हन नियमों के उपर्यन्थ में वर्णित नियंत्रणों का पूरा करने की द्रष्टव्य से पैकिंग विनिर्देश अधिकथित किए जाएंगे और सख्ती से नियमित किए जाएंगे।

(2) निरीक्षण :— नियंति के लिए आशार्यत मोटर गाड़ी के अतिरिक्त पुर्जाँ, संघटकों और उपसाधनों का निरीक्षण यह धैखने की द्रष्टव्य से क्रियान्वित किया जाएगा कि उपरोक्त विर्णित नियंत्रण सुसंगत स्तरमानों पर समाधानप्रद रूप से प्रयुक्त किए गए हैं और कि मोटर-गाड़ी के अतिरिक्त पुर्जे, संघटक और उपसाधन उस प्रयोजन के लिए मान्यताप्राप्त विनिर्देशों के अनुरूप हैं।

4. नियंतिकर्ता अधीनियम की धारा 7 के अधीन मान्यताप्राप्त अभिकरणों में से किसी एक को लिखित रूप में प्रज्ञापना देगा और ऐसी प्रज्ञापना के साथ ऐसी घोषणा भेजेगा कि मोटर-गाड़ी के अतिरिक्त पुर्जाँ, संघटकों और उपसाधनों का परेषण नियम 3 के अधीन नियंत्रण उपायों को प्रयुक्त करके विनिर्माता किया गया है, या किया जा रहा है और कि परेषण इस प्रयोजन के लिए मान्यताप्राप्त विनिर्देशों की आवश्यकताओं के अनुरूप है।

(2) नियंतिकर्ता परेषण पर लगाए गए पहचान चिन्ह अभिकरण को भी देंगा।

(3) उपनियम (1) के अधीन प्रत्येक प्रज्ञापना और घोषणा विनिर्माताओं/नियंतिकर्ताओं के परिसर से परेषण के भेजे जाने के पूर्व 7 दिन से अन्यदृग अभिकरण के कायलिय को पहुंचेंगी।

4. उपनियम (1) के अधीन प्रज्ञापना और घोषणा की प्राप्ति पर, अभिकरण, 48 घंटों के भीतर ऐसा प्रमाण-पत्र जारी करेगा कि परेषण क्वालिटी नियंत्रण से संबंधित शर्तों को पूरा करता है और नियंति योग्य है परन्तु जहाँ अभिकरण का इस प्रकार समाधान नहीं होता है, वहाँ वह 48 घंटों की उक्त अधी-

के भीतर ऐसा प्रमाण-पत्र जारी करने से इंकार कर देगा और इसके लिए कारणों के साथ-साथ नियति-कर्ता को ऐसे इंकार की सूचना देगा।

5. निरीक्षण का स्थान :— इन नियमों के अधीन निरीक्षण कैबल विनियोगी के परिवार पर कियान्वित किया जाएगा।

6. निरीक्षण फीस :— प्रत्येक परेषण के प्रांत-पर्यवर्तन निःशुल्क मूल्य के प्रति 100 रुपयों के लिए 20 पैसे की दर से फीस इन नियमों के अधीन निरीक्षण फीस के रूप में अभिकरण को नियति-कर्ता द्वारा संदर्भ की जाएगी।

7. अपील :— (1) नियम 4 के उपरीनियम (4) के अधीन किसी प्रमाण-पत्र को जारी करने से अभिकरण के इन्कार द्वारा व्यक्तित बोई व्यक्ति, उसके द्वारा इन्कार की ऐसी संसूचना की प्राप्ति के 10 दिन के भीतर, कन्द्रीय सरकार द्वारा इस प्रयोजन के लिए नियुक्त 3 व्यक्तियों से अन्यून विशेषज्ञों के पैनल को अपील कर सकेगा।

(2) पैनल की गणपूर्ती 3 होगी।

(3) ऐसी अपील पर पैनल का विनियोग अन्तम होगा।

(4) अपील का, उसकी प्राप्ति के 15 दिन के भीतर, निपटारा किया जाएगा।

अनुसूची-1 नियम 2 (घ) वैरिएट

1. पिस्टन पिन।
2. अंतर्द्धन हृजनों के लिए अंतर्गमि और नियतिक (एग्जार्ट) वाल्व।
3. संयोजी शलाका (कनीकिटंग राड), जिसके साथ उसके नट और बोल्ट हैं।
4. एकल सिसिलिण्डर इंधन अन्तः क्षेकण (इंजेक्शन) पम्प।
5. मोटर गाड़ी विद्युत हार्न (कंपन प्रकार और वात-स्वर प्रकार)।
6. ज्वलन कूंडली (इंगिनियन कायल)।
7. स्टार्टर — मोटर और उसका आर्मेचर (कैबल 24 वोल्ट द्वि-धा, (डी. सी.) तक)।
8. सफैलिंग प्लग।
9. मोटरगाड़ी डायनगों, उसके आर्मेचर और फैल्ड कूंडलीय।
10. अग्नीपीप संमजन।
11. मोटरगाड़ी लैम्प (बल्ला)।
12. धुरी छाइ।
13. आटोगार्टिव थ्रॉक लाइटिंग।
14. थ्रॉक ड्रूग।
15. किंग पिन।
16. लीप स्प्रिंग और उसके लौप।
17. शेकल पिन।
18. मोटरगाड़ी सर्पेशन के लिए कूंडलीनी स्प्रिंग।
19. एमीटर।
20. आटोगार्टिव द्रवचारीलत प्रधात-अवशोधी।
21. वाइपर संमजन जिसके अन्तर्गत उसके आर्म ब्लेड हैं।
22. कैप्स कैशप।
23. कैमरा फोटोग्राफी।
24. लैनिंग वर्सल जाइट और उसके पूजौं।
25. पारेषण चेन (ट्रान्समिशन चेन)।
26. हच।
27. अगले और पिछले स्प्रिंग के लिए हैंगर थ्रॉकेट, शॉकल।
28. प्रधात-अवशोधी लिंक।
29. थ्रॉक वर्धक बूस्टर के लिए चर्म वाशर, स्प्रिंग, पैकिंग और कनेक्शन तथा सिसिलिण्डर मरम्मत किट।
30. संपरीक्ष प्रकार के थ्रॉक वर्धक के लिए पिस्टन, पिस्टन रिंग, वाल्व डिक और चूबण वाल्व टोपी।
31. अगली धुरी का बंध रण्ड सिरा, ड्रूग लिंक सिरा, किंग पिन मरम्मत किट।
32. पीहिया रिम और डिस्क संमजन।
33. थाट्स कंट्रोल और थाट्स कंट्रोल ट्रूब।
34. द्वावर लाक।
35. उत्थापक जॉक।
36. ग्रीज घूचक (निपल)।
37. सभी प्रकार के गास्केट।
38. सभी प्रकार के तेल-सील।
39. सभी प्रकार के बैयरिंग।
40. सभी प्रकार के गिअर।
41. सभी प्रकार के धातु और रबड़ ब्रशिंग।
42. सभी प्रकार के पासनर, अधिति बोल्ट, थ्रॉपेचा, पैच, नट और वाशर।

उपप्रबंध-2

नियम 2 (घ) वैरिएट

1. पिस्टन, पिस्टन रिंग, सर्किल्प।

उपाधिक्रम

(नियम 3 देखिए)

नियंत्रण के स्तरभाव

क्र०	आवश्यकताएँ	निर्देश	परख किए जाने वाले नमूनों की संख्या	लाट भाकार
१.	सामग्री	इस प्रयोजन के लिए मान्यताप्राप्त आ० क्षा० नि० (एसबीसी) पर प्रत्येक परेषण स्तरभाव विनिर्देश	आधारित पर्याप्ति से	
२.	सहजों सहित विमाएँ			
(क)	फान्सिक	यथोक्त	प्रत्येक	—
(ख)	अन्य	यथोक्त	आंस्त० क्षा० नि० पर आधारित पर्याप्ति से	उत्पादन का प्रत्येक बैच
३.	कारीगरी और फिनिश (दृश्य)	यथोक्त	प्रत्येक	—
४.	डलाई नुटियाँ	यथोक्त	प्रत्येक	—
५.	डलाई की ब्रेणी			
	आतुकर्मीय आवश्यकता	यथोक्त	१ से०	सर्वसम वकाओं के अन्तर्गत विनियमित बैच
६.	उष्मा उपचार किए गए पुजों के लिए यथोक्त कठोरता		३ से०	प्रत्येक भृती से प्रत्येक घान (चार्ज)
७.	विशुद्धतासेपन			
(क)	मासंजन	यथोक्त	१ से०	उत्पादन का प्रत्येक बैच
(ख)	मोटाई	यथोक्त	१ से०	यथोक्त
८.	(क) विशुद्ध रोधन प्रतिरोधक (विशुद्ध यथोक्त पुजों के लिए)		प्रत्येक	
(ख)	उच्चबोलता परख (विशुद्ध पुजों यथोक्त के लिए)		३ से०	प्रत्येक बैच
९.	(क) शोरकठोरता (खड़े पुजों के लिए)	यथोक्त	३ से०	प्रत्येक बैच
(ख)	कालप्रभावन परख (खड़े पुजों के लिए)	यथोक्त	१ से०	यथोक्त
१०.	खड़ से शावद पुजों के लिए आसंजन	इस प्रयोजन के लिए मान्यताप्राप्त शर्कित स्तरभाव विनिर्देश	३ से०	प्रत्येक बैच
११.	पूर्ण संमजाओं के लिए क्रियात्मक परीक्षण जहाँ कहीं भी आवश्यक हो	इस प्रयोजन के लिए मान्यताप्राप्त स्तरभाव विनिर्देश	१ से०	आ० क्षा० नि० पर आधारित पर्याप्ति से
१२.	४५क्ग			
*(क)	प्रकट रख	यथोक्त	प्रत्येक	—
** (ख)	द्राप परख	यथोक्त	प्रत्येक	प्रत्येक परेषण
(ग)	रालिंग परख	यथोक्त	१ से०	यथोक्त
(घ)	जल फूहारा परख	यथोक्त	१ से०	प्रत्येक डिजाइन

*४५क्ग अच्छी तरह से फिनिश किया जाएगा और देखते में अच्छा होगा।

**४५क्ग की अन्तर्वस्तु इस प्रकार ऐक की जाएगी ताकि वह निम्नलिखित रूप में द्राप परख, रालिंग परख और जल फूहारा परख सहन करे:

(i) द्राप परख कुल भार ३७ कि० प्रा० तक निर्धारित होगा:—

ऐक्ज को एक बार बृहत बौड़ी सतह पर, एक बार सबसे ऊँचे कोर पर और एक बार उसके अपरे किसी कोण पर एक भीचर की ऊँचाई से गिराया जाएगा।

(ii) रालिंग परख (५०० कि०प्रा० के भार तक निर्धारित होगा):—

ऐक्ज को उसकी सतहों पर रोल करते हुए या तो ६ मीटर आगे और ६ मीटर पीछे या १२ मीटर के बीच एक विश्वा में से जाया जाएगा।

(iii) जल फूहारा परख—ऐक्ज को प्रसामान्य प्रकटमात् मानसून वर्षन के समतुल्य जल फूहार में पांच मिनट तक छुला रखा जाएगा।

[सं० ८० (६४)/१०प्रा०१०पी०/६८]

S.O. 459.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), and in supersession of the notifications of the Government of India in the late Ministry of Commerce, Nos. S.O. 3225, 3226 and 3227, dated the 8th September, 1967, the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Export of Automobile Spares, Components and Accessories (Quality Control and Inspection) Rules, 1973.

(2) They shall come into force on the 17th March, 1973.

2. Definitions.—In these rules, unless the context otherwise requires—

(a) 'Act' means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).

(b) 'Agency' means any one of the Export Inspection Agencies, established at Bombay, Calcutta, Cochin, Delhi and Madras under section 7 of the Act.

(c) 'automobile' means any self propelled two, three or more wheeled, single or multi axled vehicle.

(d) 'automobile spares, components and accessories' means the manufactured products used in automobile and trailers (whether attached to the vehicle or not) including that used as a replacement part for the original product, given in the Schedules I and II to these rules.

3. Quality control.—(1) The quality of the automobile spares, components and accessories intended for export shall be ensured by effecting the following controls at different stages of manufacture together with the levels of control as given in the Annexure to these rules, namely:—

(i) Bought out materials and components control:—

(a) Purchase specifications shall be laid down by the manufacturer incorporating the properties of the materials/components to be used and the detailed dimensions thereof with tolerances.

(b) The accepted consignments shall be either accompanied by suppliers' test/inspection certificates corroborating the requirements of the purchase specifications, in which case occasional checks at least once in three months shall be conducted by the purchaser for a particular supplier to verify the correctness of the aforesaid test/inspection certificates, or the purchased materials/components shall be regularly inspected/tested either in a laboratory within the factory or in an outside laboratory or test house.

(c) The sampling for inspection/test to be carried shall be based on a recorded investigation.

(d) After the inspection/test is carried out systematic method shall be adopted in segregating the accepted or rejected materials/components and in disposal of rejected materials/components.

(e) Adequate records in respect of the above mentioned controls shall be maintained systematically.

(ii) Process control:—

(a) Detailed process specifications shall be laid down by the manufacturer for different processes of manufacture.

(b) Equipment/instrumentation facilities shall be adequate to control the processes as laid down in the process specifications.

(c) Adequate records shall be maintained to ensure the verification of the controls exercised during the process of manufacture.

(iii) Product control:—

(a) The manufacturer shall have his own adequate testing facilities or shall have access to such testing facilities existing elsewhere to test the product as per specifications recognised under section 6 of the Act.

(b) Sampling for test/inspection shall be based on a recorded investigation.

(c) Adequate records in respect of test/inspection carried out shall be maintained systematically.

(iv) Preservation control:—

(a) A detailed specification shall be laid down by the manufacturer to safeguard the product from adverse effect of weather conditions.

(b) The product shall be well preserved both during storage and during transit.

(v) Packing control:—

Packing specification shall be laid down with a view to satisfy the controls mentioned in the Annexure to these rules for packing the aforesaid product and shall be rigidly implemented.

(2) Inspection.—The inspection of automobile spares, components and accessories intended for export shall be carried out with a view to seeing that the above mentioned controls have been exercised at the relevant levels satisfactorily and that the automobile spares, components and accessories conform to the standard specifications recognised for the purpose.

4. Procedure of Inspection.—(1) The exporter shall give intimation in writing to any one of the Agencies recognised under section 7 of the Act and submit alongwith such intimation a declaration that the consignment of the automobile spares, components and accessories has been or is being manufactured by exercising quality control measures as per controls referred to under rule 3 and that the consignment conforms to the requirements of the specifications recognised for the purpose.

(2) The exporter shall also furnish to the Agency the identification marks applied on the consignment.

(3) Every intimation and declaration under sub-rule (1) shall reach the office of the Agency not less than 7 days prior to the despatch of the consignment from the manufacturers/exporters premises.

(4) On receipt of the intimation and declaration under sub-rule (1), the agency shall, within 48 hours issue a certificate that the consignment satisfies the conditions relating to quality control and inspection and is export-worthy.

Provided that where the agency is not so satisfied it shall within the said period of 48 hours refuse to issue such certificate and communicate such refusal to the exporter along with the reasons therefor.

5. Place of inspection.—Inspection under these rules shall be carried out at the premises of the manufacturer only.

6. Inspection Fee.—Subject to a minimum of Rs. 20 (Rupees twenty) a fee at the rate of 20 (twenty) paise for every hundred rupees of F.O.B. value of each such consignment shall be paid by the exporter to the Inspection Agency as inspection fee under these rules.

7. Appeal.—(1) Any person aggrieved by the refusal of the Agency to issue a certificate under sub-rule (4) of rule 4 may, within 10 days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three persons, appointed for the purpose by the Central Government.

(2) The quorum for the panel shall be three.

(3) The decision of the panel on such appeal shall be final.

(4) The appeal shall be disposed of within 15 days of its receipt.

SCHEDULE—I

[See rule 2(d)]

1. Piston pin
2. Inlet and exhaust valves for internal combustion engines
3. Connecting rod including its nuts and bolts
4. Single cylinder fuel injection pump
5. Automobile electric horn (vibrating type and wind tone type)
6. Ignition coil
7. Starter motor and its armature (upto 24 volts D.C. only)
8. Sparking plug
9. Automobile dynamo, its armature and field coils
10. Headlight assembly
11. Automobile lamp (bulb)
12. Axle shaft
13. Automotive brake lining
14. Brake drum
15. King pin
16. Leaf spring and its leaves
17. Shackle pin
18. Helical spring for automobile suspension
19. Ammeter
20. Automotive hydraulic shock absorber
21. Wiper assembly including its arm and blade.

SCHEDULE—II [See rule 2(d)]

1. Piston, Piston rings, Circlips
2. Crankshaft
3. Camhaft
4. Rocker-arm
5. Valve springs, Valve guides, Valve locking pins, Valve Seat, Valve Push rod
6. Cylinder head, Cylinder block
7. Liners for cylinder
8. Clutch assembly, Clutch pressure plate, Clutch facing, Clutch disc, Clutch spring, Clutch levers
9. Nozzles, Atomizer, Filter elements, Pump elements, Suction valve, Delivery valve, Governor diaphragm, Hand priming pump diaphragm and Pipes with nuts & nipples for fuel injection pump
10. Air Filter assembly and its filter elements
11. Fuel pump, Lubricating oil pump, Oil filter assembly, Fuel filter assembly and their parts.
12. Water pump including its parts
13. Speedometer, Oil pressure gauge, Fuel gauge, Thermometers
14. Cables for Speedometer, Clutch and Brake.
15. Brake assembly, Master Cylinder, Wheel cylinder, their parts and repair kits, Brake springs.
16. Carburettor assembly and its components.
17. Radiator and its core
18. Distributor and its parts
19. Carbon brushes and Springs for Starter Motor and Dynamo
20. Horn relay, Horn diaphragm & Horn contact
21. Flasher units
22. Voltage regulator
23. Propeller shaft
24. Universal joint and its parts
25. Transmission chains
26. Hubs
27. Hanger brackets, Shackles for front & rear spring
28. Shock absorber link
29. Leather washer, Springs, Packings & Connections and Cylinder repair kit for Brake Booster
30. Piston, Piston rings, Valve disc and Suction valve cap for Booster compressor type
31. Front axle tie rod ends, Drag link ends, King pin repair kit
32. Wheel rim and disc assembly
33. Throttle control and Throttle control tube
34. Door locks
35. Lifting jacks
36. Grease nipples
37. All types of gaskets
38. All types of oil seals
39. All types of bearings
40. All types of gears
41. All types of metal & rubber bushings
42. All types of fasteners i.e., bolts, studs, screws, nuts and washers.

ANNEXURE

(See rule 3)

Levels of Control

Sl. No.	Requirements	Reference	No. of samples to be tested	Lot size
1. Material		Standard specification recognised for the purpose	Adequate No. based on SQC	Each consignment.
2. Dimensions with tolerances				
(a) Critical		Do.	Each	...
(b) Other		Do.	Adequate based on SQC	Each batch of production
3. Workmanship & Finish (visual)		Do.	Each	...
4. Casting defects		Do.	Each	...
5. Grade/metallurgical requirements of casting		Do.	1 No.	Items manufactured under identical conditions
6. Hardness for heat treated parts		Do.	3 Nos.	Each charge from each oven
7. Electroplating:				
(a) Adhesion		Do.	1 No.	Each batch's production.
(b) Thickness		Do.	1 No.	Do.
8. (a) Insulation resistance } (b) High voltage test } for electrical parts		Do.	Each	...
9. (a) Shore hardness } (b) Ageing test } for rubber parts		Do. Do.	3 Nos. 3 Nos.	Each batch Do.
10. Adhesion strength for rubber bonded parts.		Do.	1 No.	Do.
11. Functional test for complete assemblies wherever required.		Do.	3 Nos. 1 No.	Adequate No. based on SQC
12. Packing				
*(a) Appearance		Do.	Each	...
**(b) Drop test		Do.	1 No.	Each consignment
(c) Rolling Test		Do.	1 No.	Do.
(d) Water spraying test		Do.	1 No.	Each design.

* The package shall be well finished and have a good appearance.

**The inner contents of the package shall be so packed as to withstand Drop test, Rolling test and Water Spraying test as given below.

(i) Drop test (to be restricted to head load upto 37 Kg.)—The package to be dropped from a height of one metre once on the largest flat surface, once on the longest edge and once on any corner of its own.

(ii) Rolling test (to be restricted upto a weight of 500 Kg.)—The package to be subjected to rolling on its sides either 6 metres forward and 6 metres backward or 12 metres in one direction only.

(iii) Water Spraying test—The package to be allowed to be exposed against a water spray equivalent to a normal sudden monsoon shower for five minutes.

प्रारंभ

का० आ० ४६०.—यस: केन्द्रीय सरकार की यह राय है कि नियर्ति (क्षालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की तथा ६ द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के भूतपूर्व वाणिज्य मंदालय की मछली तथा मछली उत्पादों के क्षालिटी नियंत्रण और निरीक्षण से संबंधित अधिसूचना सं० का० ७७१, ता० ६ मार्च, 1965 में, भारत सरकार के नियर्ति व्यापार के विकास के लिए नीचे विनिर्दिष्ट रीति से संशोधित करना आवश्यक और समीक्षन है,

और यस: केन्द्रीय सरकार ने इसके लिए नीचे विनिर्दिष्ट प्रस्ताव बनाये हैं तथा उन्हें नियर्ति (क्षालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम, ११ के उप-नियम (२) द्वारा तथा अपेक्षित नियर्ति निरीक्षण परिवद् को भज दिए हैं।

अतः अब, उक्त उप-नियम के अनुसरण में, केन्द्रीय सरकार, उक्त प्रस्तावों को उनसे संभाव्यतः प्रभावित होने वाले जन साधारण की जानकारी के लिए एकद्वारा प्रकाशित करती है।

२. एकद्वारा सूचना दी जाती है कि उक्त प्रस्ताव के बारे में कोई आवेदन या सुझाव भेजने की बात करन वाला कोई अधिकत उसे इस अधिसूचना के राजपत्र में प्रकाशन की तारिख के तीस विन के भीतर नियर्ति निरीक्षण परिवद् 'बल्ड ड्रेड सेटर, १४/१ बी, एजरा स्ट्रीट (तात्कालिक मंजिल), कलकत्ता-१' को भेज सकता है।

प्रस्ताव

भारत सरकार के भूतपूर्व वाणिज्य मंदालय की अधिसूचना सं० का० आ० ७७१ तारीख ६ मार्च, 1965 में निम्नलिखित रूप से संशोधन किया जाएगा, प्रार्थतः—

उक्त अधिसूचना के उपावन्ध में, (क) प्रशीतित झिगा मछली (झिगे) के लिये विनिर्देश यार्डेक की नीचे सारणी के अन्त में और इससे संबंधित वर्तमान आवेदन के प्रवात निम्नलिखित पाद-टिप्पण जोड़ा जाएगा, प्रार्थतः—

"टिप्पण-(१) प्रशीतित झिगा मछली (झिगे) पर संशोधित करने वाले का कोड में नाम, उत्पाद का नाम तथा प्रकार, संसाधन का वर्ष, मास तथा तारीख दी गई होगी। एकल योग्य प्रशीतित (१० शी० प्र०) वैकिंग की दशा में कोई पर्ची मूल प्राप्ति के अन्वर रखी जाएगी। संक्षिप्त रूप में कोड पर्ची बनाने के लिए एक उदाहरण नीचे दिया गया है:

एस बाई (XY) एफ एस (FS) पी बी (PD) २ए (२A)
०३ (०३)

जहाँ उक्त उदाहरण में—

एस बाई (XY)—संसाधन करने वाले का कोड नाम,

एफ एस (FS)—प्रशीतित झिगे,

पी बी (PD)—उत्पाद का प्रकार तथा इस उदाहरण में वह छीले हुए तथा शिरा-रहित प्रकार को सूचित करता है

२—संसाधन का वर्ष तथा इस उदाहरण में वह १९७२ वर्ष को सूचित करता है।

ए(A)—संसाधन का महीना तथा इस उदाहरण में वह जनवरी मास को सूचित करता है, तथा

०३—संसाधन की तारीख समा इस उदाहरण में वह मास के पांचवें दिन को सूचित करता है।

(ii) निम्नलिखित संक्षेप (क) उत्पाद के प्रकार तथा (ब) वर्ष के मास के लिए प्रयोग किए जाएंगे—

(क) उत्पाद का प्रकार	संक्षेप
पूर्ण	जट्टू एल (WL)
सिर-रहित	एच-एल (HL)
बटर-फ्लाई	बी एफ (BF)
छीली हुई तथा शिरा-रहित	पी बी (PB)
छीली हुई तथा शिरा सहित पी यूडी	(PUD)
पकाई हुई तथा छीली हुई	सी पी (CP)
छीली हुई, शिरा-रहित तथा पकाई हुई	पी बी सी (PDC)
(ब) मीठा	संक्षेप
जनवरी	ए (A)
फरवरी	बी (B)
मार्च	सी (C)
प्रैल	डी (D)
मई	ई (E)
जून	एफ (F)
जुलाई	जी (G)
अगस्त	एच (H)
सितम्बर	जे (J)
अक्टूबर	के (K)
नवम्बर	एल (L)
दिसम्बर	एम (M)

[सं० ६(२)/७१-नि० तथा नि० सं०]

ORDER

S.O. 460.—Whereas the Central Government is of opinion, that in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), it is necessary and expedient to amend the notification of the Government of India in the late Ministry of Commerce No. S.O. 771, dated the 6th March, 1965, relating to Quality Control and Inspection of fish and fish products, in the manner specified below for the development of the export trade of India.

And whereas the Central Government has formulated the proposals specified below for the said purpose and has forwarded the same to the Export Inspection Council, as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objection or suggestion with respect to the said proposals may forward the same within thirty days of the date of publication of this order in the Official Gazette to the Export Inspection Council, "World Trade Centre", 14/1B, Ezra Street (7th Floor), Calcutta-1.

PROPOSALS

The notification of the Government of India in the late Ministry of Commerce No. S.O. 771, dated the 6th March, 1965, shall be amended as follows, namely:

In the Annexure to the said notification, under the heading "(A) SPECIFICATION FOR FROZEN PRAWNS (SHRI-MPS)", at the end of the Table and after the existing instruction relating to it, the following footnote shall be inserted, namely:—

"Note:—(i) Frozen blocks shall be embedded with a code slip bearing the markings of the name of the processor in code, name and type of the product, year, month and date of processing. In case of Individual Quick Frozen (IQF) packing, the code slip shall be placed inside the primary container. An illustration for making the code slips in the abbreviated form is given below,—

'XYFSPD
2A 05',

where, in the above illustration,—

XY—name of the processor in code,

FS—frozen shrimps,

PD—type of product and in this example it represents Peeled and Deveined type.

2—year of processing and in this example it represents the year 1972,

A—month of processing and in this example it represents the month of January, and

05—date of processing and in this example it represents the fifth day of the month.

(ii) The following abbreviations shall be used for (a) type of the product, and (b) months of the year:—

(a) Type of the Product	Abbreviation
Whole	WL
Headless	HL
Butterfly	BF
Peeled and Deveined	PD
Peeled and Undeveined	PUD
Cooked and Peeled	CP
Peeled, Deveined and Cooked	PDC

(b) Month	Abbreviation
January	A
February	B
March	C
April	D
May	E
June	F
July	G
August	H
September	J
October	K
November	L
December	M".

[No. 6(2)/71-EIEP]

ग्राह दिल्ली, 10 फरवरी, 1973

शुद्धि-पत्र

का. आ. 461.—केतीरा (गम कराणा) नियंति (निरीक्षण संशोधन नियम, 1973 से संबंधित भारत सरकार के विदेश व्यापार मंत्रालय की अधिसूचना सं. का. आ. 162, दिनांक 13 जनवरी, 1973 में शीर्षक "6. निरीक्षण फीस" के अन्तर्गत "0.75 पैसे" के स्थान पर "75 पैसे" पढ़।

एम. के. बी. भट्टाचार, उप निदेशक (नियंति संबंधन)

[सं. 6(21)/72-इ. आई. इ. पी.]

New Delhi, the 10th February, 1973

CORRIGENDUM

S.O. 461.—In the notification of the Government of India in the Ministry of Foreign Trade No. S.O. 162 dated the 13th January, 1973 relating to the Export of Gum Karaya (Inspection) Amendment Rules 1973 under the heading "6. Inspection fee" for "0.75 paise" read "75 paise".

[No. 6(21)/72-EI&EP]

M. K. B. BHATNAGAR, Dy. Director, (Export Promotion).

(मुख्य नियंत्रक, आयात-नियात का कार्यालय)

ग्राह दिल्ली, 27 जनवरी, 1973

आवेदा

का. आ. 462.—सर्वश्री प्रभाकर राह इंडस्ट्रीज जलंधर सिटी के 4,93,656 रु. (चार लाख तिरानवे हजार छ. सौ छप्पन रु. मात्र) का एक आयात लाइसेंस सं. पी./सी./2063817/अर/के के/43/27-28/ सी. जी. 3 दिनांक 31-5-72 स्वीकृत किया गया था। उन्होंने उपर्युक्त लाइसेंस की अनुलिपि (सीमाशुल्क तथा मूल विनियम नियंत्रण प्रतियाँ) प्रतियाँ के लिए इस आधार पर आवेदन किया है कि मूल लाइसेंस (दोनों प्रतियाँ) खो गया/अस्थानस्थ हो गया है और निवेश देता है कि आवेदक को अनुलिपि लाइसेंस (दोनों प्रतियाँ) जारी किया जाना चाहिए। मूल लाइसेंस एतद्वयामा रद्द किया जाता है।

[सं. सी. जी. 3/21/74/68-69]

एस. ए. शेषाण, उप मुख्य नियंत्रक

मुख्य नियंत्रक

(Office of the Chief Controller of Imports and Exports)

New Delhi, the 27 January, 1973

ORDER

S.O. 462.—M/s. Parbhakar Rubber Industries Jullundur City were granted an Import Licence No. PC/C/2063817/R/KK/43/27-28/CG. III dated 31-5-72 for Rs. 4,93,656/- (Rupees four lakh ninety three thousand six hundred and fifty six only). They have applied for the issue of a duplicate licence (Custom & Exchange Control copies) of the said licence on the ground that the original licence (both copies) has been lost/misplaced. It is further stated that the original licence was not registered with any Customs House and was not utilised at all.

2. In support of this contention, the applicant has filed an affidavit. I am satisfied that the original Import Licence No. P/C/2063817 dated the 31st May, 1972 (both copies) has been lost/misplaced and direct that a duplicate licence (both copies) should be issued to the applicant. The original licence is hereby cancelled.

[No. CG. III/21/74/68-69/2543]

S. A. SESHAN, Dy. Chief Controller,
for Chief Controller.

(संचक्ष-मुख्य नियंत्रक, आयात-निर्यात का कार्यालय)

कलकता, 6 दिसम्बर, 1972

आवेदन

जी. एल. आई. सं. 10/67 दिनांक 23-3-67 की शर्तों के अनुसार सं. आई/ए/1044795/सी/एक्स 43/सी/35-36 दिनांक 24-6-72 की अनुलिपियाँ जारी करने के संबंध में इनकी सीमाशुल्क प्रयोजन प्रति/मुद्रा विनिमय नियंत्रण प्रयोजन प्रतियाँ के रद्द करने का आवेदन।

का. आ. 463.—दिनेशनल कॉल डिवेलपमेंट कारपो. लि., 10, नेता जी सुभाष मार्ग, कलकत्ता-1 को सामान्य मुद्रा क्षेत्र से 12 नग पावर जेट नाइजन टायर्स साइज 10.00×15-14, 12 नग ट्यूब्स-साइज 10.00×15 और 6 नग फ्लैप्स साइज 10.00×15 के आयात के लिए 8236 रु. मूल्य का एक लाइसेंस सं. आई/ए/1044795/सी/एक्स 43/सी/35-36 दिनांक 24-6-72 प्रदान किया गया था। अब उन्होंने उक्त लाइसेंस की अनुलिपि प्रतियाँ (सीमाशुल्क प्रयोजन प्रति और मुद्रा विनिमय नियंत्रण प्रतियाँ दोनों) जारी करने के लिए हस आधार पर आवेदन किया है कि मूल प्रतियाँ छाक में खो गई हैं। उन्होंने यह भी उल्लेख किया है कि विषयाधीन लाइसेंस किसी भी सीमाशुल्क प्राधिकारी से पंजीकृत नहीं कराया गया है और यह कि उसके किसी मूल्य का उपयोग विलक्षण नहीं किया गया है।

अपने कथन की पृष्ठ में आवेदकों ने इस संबंध में एक शपथ पत्र प्रस्तुत किया है कि लाइसेंस की सीमाशुल्क प्रयोजन प्रति और मुद्रा विनिमय नियंत्रण प्रयोजन प्रतियाँ छाक में खो गई हैं। मैं संतुष्ट हूँ कि 8236 रु. मूल्य के लाइसेंस सं. आई/ए/1044795/सी/एक्स 43/सी/35-36 दिनांक 24-6-72 की मूल प्रतियाँ (सीमाशुल्क और मुद्रा विनिमय नियंत्रण) खो गई हैं और निवेश देता हूँ कि इसकी अनुलिपि प्रतियाँ आवेदक को जारी की जानी चाहीए। लाइसेंस की मूल सीमाशुल्क प्रयोजन और मुद्रा विनिमय नियंत्रण प्रयोजन प्रति रद्द की जाती है।

[सं. 41-5/पी. एन-55/72-73/ए. य-2]

पी. सी. सेन, उप मुख्य नियंत्रक,

(Office of the Joint Chief Controller of Imports and Exports)

Calcutta, the 6th December, 1972

ORDER

Order cancelling Customs Purposes/Exchange Control Purposes copies of licence No. 1/A/1044795/C/XX/43/C/35-36 dt. 24-6-72 in connection with the issue of duplicate copies of the same in terms of G.L.I. No. 10/67 dated the 23rd March, 1967.

S.O. 463.—The National Coal Development Corporation Ltd. 10, Netaji Subhas Rd., Calcutta-1 were granted licence No. 1/A/1044795/C/XX/43/C/35-36 dated 24-6-72 for the import of 12 Nos. Power Jet Nygen Tyres size 10.00 x 15-14 20 Nos. Tubes size 10.00 x 15 & 6 Nos. Flaps size 10.00 x 15 from the General Currency Area. They have now applied for the issue of duplicate copies (both Customs & Exchange Control) of the said licence on the ground that the originals of the same have been stated to be lost in Postal Transit. It has further been stated by them that the licence in question has not been registered with any Customs Authorities and that the value has not been utilised at all.

In support of their statement the applicants have furnished an affidavit to the effect that Customs & Exchange Control Purposes copies of the licence have been lost in Postal Transit. I am satisfied that the original copies (Customs & Exchange Control) of licence No. 1/A/1044795/C/XX/43/C/35-36 dt. 24-6-72 for Rs. 8236/- have been misplaced and direct that duplicate copies of the licence should be issued to the applicant. The original Customs & Exchange Control Purposes copies of the licence are cancelled.

[No. 41-V/PS-55/72-73/AU-II]

P. C. SEN, Dy. Chief Controller.

(फ्रेंचिय लाइसेंस क्षेत्र)

दर्द दिल्ली, 3 अक्टूबर, 1972

आवेदन

का. आ. 464.—सर्वश्री गोयल ट्रीटमेंट के, 1/131, विश्वास नगर, शाहदरा, दिल्ली-32 को एक्स-रे फिल्म के छोड़कर अलेक सेन्टर्ड कार्ड बोर्ड (2) डिकालकोमानिया पेपर तथा (3) फोटोग्राफिक नेगेटिव्स के आयात के लिए 37,079/- रुपये के लिए आयात लाइसेंस संख्या. पी/यू/2687450/सी, दिनांक 28-7-72 प्रदान किया गया था। उन्होंने आयात व्यापार नियंत्रण, नियम तथा क्रियाविधि, हॉट्स्ट्रक, 1972-73 के परीक्षण 8 के साथ पढ़ी जाने वाली कंडिका 318 के अन्तर्गत यथा अपीक्षित शपथ-पत्र दाखिल किया है जिसमें उन्होंने बताया है कि लाइसेंस की वोनों प्रतियाँ अर्थात् 37,079/- रुपये के लिए लाइसेंस संख्या : पी/यू/2687450/सी, दिनांक 28-7-72 की सीमाशुल्क प्रयोजन के साथ साथ मुद्रा-विनिमय नियंत्रण प्रतियाँ दिना कर्त्ता भी उपयोग किए ही सो गई/अस्थानस्थ हो गई है।

2. मैं संतुष्ट हूँ कि लाइसेंस की वोनों मूल प्रतियाँ सीमाशुल्क प्रयोजन तथा मुद्रा विनिमय नियंत्रण प्रतियाँ खो गई/अस्थानस्थ हो गई हैं।

3. अद्यतन यथा संशोधित आयात व्यापार नियंत्रण आदेश, 1955, दिनांक 7-12-1955 के उप-धारा 9(सी) के अन्तर्गत मेरे लिए प्रवृत्त अधिकारों का प्रयोग कर 37,079/- रुपये के लिए उक्त लाइसेंस संख्या. पी/यू/2687450/सी, दिनांक 28-7-72 की सीमाशुल्क प्रयोजन और साथ ही साथ मुद्रा-विनिमय नियंत्रण प्रतियाँ के एतत्प्रारंभ रद्द किया जाता है।

4. आवेदक को अब आयात व्यापार नियंत्रण हॉट्स्ट्रक, नियम तथा क्रियाविधि, 1972-73 की कंडिका 318(4) की व्यवस्थाओं के अनुसार लाइसेंस की वोनों प्रतियाँ सीमाशुल्क प्रयोजन और साथ ही साथ मुद्रा-विनिमय नियंत्रण की अनुलिपि जारी की जा रही हैं।

[सं. हॉट्स्ट्रक/89/जे एम-72/एस सी-3/सी एल ए/2202]

ए. एल. भल्ला, उप-मुख्य नियंत्रक,
कृत संचक्ष-मुख्य नियंत्रक

(Central Licensing Area)

New Delhi, the 3rd October, 1972

ORDER

S.O. 464.—M/s. Goyal Trading Co., 1/131 Vishwas Nagar, Shahdara—Delhi-32 were granted Import licence No. P/U/2687450/C dated 28-7-72 for Rs. 37079/- for import of (1) Black Centred Card Board (2) Decalcomania Paper and (3) Photographic Negatives excluding X-ray films. They have filed affidavit as required under para. 318 read with appendix 8 of Import Trade Control Hand Book of Rules & Procedure, 1972-73 wherein they have stated that both copies of licence i.e. Customs Purposes as well as Exchange Control copy of licence No. P/U/2687450/C dated 28-7-72 for Rs. 37079/- have been lost/misplaced without having been utilised at all.

2. I am satisfied that the both original Customs Purposes and Exchange Control copy of the said licence have been lost/misplaced.

3. In exercise of the powers conferred on me under subject Clause 9(C) in the Import Trade Control Order 1955 dated 7-12-55 as amended upto date, the said licence No. P/U/2687450/C dated 28-7-72 for Rs. 37079/- Customs Purpose and as well as Exchange Control copy is hereby cancelled.

4. The applicant is now being issued a duplicate of both Customs Purposes as well as Exchange Control copy of the licence in accordance with the provisions of para. 318(4) of Import Trade Control Hand Book of Rules and Procedure, 1972-73.

[No. Handl/89/JM-72/SC-III/CLA/2202]

A. L. BHALLA, Dy. Chief Controller
for Jt. Chief Controller

पंद्रीलिंगम और रसायन मंत्रालय

(पंद्रीलिंगम विभाग)

नई दिल्ली, 3 फरवरी, 1973

S.O. 465.—तेल क्षेत्र (विनियमन और विकास) अधिनियम, 1948 (1948 का 53) की धारा 6 ए की उपधारा (4) ह्यारा प्रदत्त शरीकतयों का प्रयोग करते हुए, केन्द्रीय सरकार दर में, जिस पर खानिज सेवाओं अर्थात् अपरिष्कृत तेल, कौसिंग हैंड कंडंसेट संबंध में, 1 जनवरी, 1972 से रायल्टी देय होगी, एतत्काला वृद्धि करती है और कथित अधिनियम की अनुसूची में उसी तारीख से निम्नलिखित संशोधन करती है : अर्थात् :—

तेल क्षेत्र (विनियमन और विकास) अधिनियम, 1948 (1948 का 53) की अनुसूची में मद संख्या 1 और 2 इन मदों से संबंधित प्रविष्टियों के स्थान पर निम्नलिखित मद और प्रविष्टियां प्रतिस्थापित की जाएगी, अर्थात् :—

1. अपरिष्कृत तेल : पन्नह स्पष्ट प्रति मीट्रिक टन
2. कौसिंग हैंड कंडंसेट : पन्नह स्पष्ट प्रति मीट्रिक टन”।

[सं. 14/1/71 लंबर एण्ड लीजिस.]

राजेन्द्र नाथ घोषणा, अकार सीच्य

MINISTRY OF PETROLEUM AND CHEMICALS

(Department of Petroleum)

New Delhi, the 3rd February, 1973

S.O. 465.—In exercise of the powers conferred by sub-section (4) of section 6A of the Oilfields (Regulation and Development) Act, 1948 (53 of 1948), the Central Government hereby enhances the rate at which royalties shall be payable in respect of mineral oils, namely, crude oil and casing-head condensate, with effect from 1st January, 1972 and makes the following amendment to take effect from that date, in the Schedule to the said Act, namely :—

In the Schedule to the Oilfields (Regulation and Development) Act, 1948 (53 of 1948), for items 1 and 2 and the entries relating thereto, the following items and entries shall be substituted, namely :—

1. Crude Oil : Rupees fifteen per metric tonne
2. Casing-head : Rupees fifteen per metric tonne". condensate.

[No. 14/1/71-Lab. & Legis.]

R. N. CHOPRA, Under Secy.

पूर्ति विभाग

नई दिल्ली, 5 फरवरी, 1973

S.O. 466.—सरकारी-स्थान (प्राधिकृत व्यावसाय की बेदखली) लियम 1971 के लियम 6 के अनुसरण में केन्द्रीय सरकार एतद्वारा निम्नलिखित सारणी के कालम 1 में उत्तिष्ठित राजपत्रित अधिकारी को प्राधिकृत करती है कि वह किसी भी सम्पदा अधिकारी के सामने विचाराधीन पढ़ी हुई प्रीर उक्त सारणी के कालम 2 में निर्दिष्ट सरकारी स्थानों से संबंधित किसी भी कार्रवाई को निपटान के लिए सभग किसी संपदा अथवा अधिकारी को अन्वरित कर सकता है ।

सारणी

राजपत्रित अधिकारी

सरकारी-स्थान

उप महानिदेशक (पूर्ति तथा निपटान), ऐसे स्थान जो, केन्द्रीय सरकार कार्यालय, 6, एस्प्लेनेड ईस्ट, जिसका प्रतिनिधित्व पूर्ति विभाग नई दिल्ली के पूर्ति और निपटान महानिदेशालय के अधीन पूर्ति और निपटान निवेशक, कलकत्ता द्वारा किया जाता है—के स्वामित्व में है सम्पदा उसके द्वारा या उसकी ओर से पट्टे पर लिए गए हैं या उनका अधिग्रहण किया गया है ।

[सं. शी-11031/1/72-स्थापना-2]

एस० एस० पुरी, संयुक्त सचिव
राष्ट्रपति के लिए और उनकी ओर से ।

DEPARTMENT OF SUPPLY

New Delhi, the 5th February, 1973

S.O. 466.—In pursuance of rule 6 of the Public Premises (Eviction of Unauthorised Occupants) Rules, 1971, the Central Government hereby authorises the gazetted officer mentioned in column I of the Table below to transfer any proceedings pending before an Estate Officer and pertaining to Public Premises specified against him in column 2 of the said Table for disposal to any other Estate Officer competent to dispose of the same.

TABLE

Gazetted Officer	Public Premises
Deputy Director General (Supplies & Disposals), having his office at 6, Esplanade East, Calcutta.	Premises belonging to or taken on lease or requisitioned by, or on behalf of, the Central Government as represented by the Director of Supplies and Disposals, Calcutta under the Directorate General of Supplies and Disposals in the Department of Supply, New Delhi.

[No. D-11031/1/72-ES.III
S. S. PURI, Joint Secy.

For and on behalf of the President of India.

धन्त्यार विभाग
(डाक-तार बोर्ड)

नई दिल्ली, 7 फरवरी, 1973

का. आ. 467.—स्थायी आदेश संख्या 627 दिनांक 8 मार्च, 1960 क्षेत्रात लागू किए गए भारतीय तार नियम 1951 के अनुसार डाक-तार महानिदेशक ने घलाकडी टेलीफोन केन्द्र में दिनांक 16-3-1973 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-15/73 पी एच बी(2)]

एस. एस. वोहरा, सहायक महानिदेशक (पी. एच. बी.)

MINISTRY OF COMMUNICATIONS
(P. & T. Board)

New Delhi, the 7th February, 1973

S.O. 467.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director-General, Posts and Telegraphs, hereby specifies the 16-3-1973 as the date on which the Measured Rate System will be introduced in CHALAKUDY Telephone Exchange, Kerala Circle.

[No. 5-15/73-PHB(2)]

A. S. VOHRA, Asstt. Director General (PHB)

निमाण और आवास मंत्रालय

नई दिल्ली, 31 जनवरी, 1973

का. आ. 468.—सोक परिसर (अप्राधिकृत अधिभौगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा

प्रदत्त शारिकतों का प्रयोग करते हुए, केन्द्रीय सरकार, भारत सरकार के निर्माण और आवास मंत्रालय की अधिसूचना सं. का. आ. 870, तारीख 3 मार्च, 1972 में एतद्वारा निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना की सारणी में, क्रम सं. 8 के सामने, स्तंभ 1 के अन्तर्गत विद्युमान प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां रखी जाएंगी, अर्थात् :—

“ज्येष्ठ प्रशासनिक प्रबंधक, हिन्दुस्तान एरोनाइक्स लिमिटेड,
नारिसक खण्ड, डाकघर और, महाराष्ट्र !”

[फा. सं. 21012(12)/72-नीसि-3]

MINISTRY OF WORKS AND HOUSING

New Delhi, the 31st January, 1973

S.O. 468.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following amendment in the notification of the Govt. of India in the Ministry of Works and Housing No. S.O. 870, dated the 3rd March, 1972, namely:—

“In the said notification in the Table, against serial No. 8, under column 1, for the existing entries, the following entries shall be substituted, namely :—

“Senior Administrative Manager, Hindustan Aeronautics Limited, Nasik Division, Ojhar Post Office, Maharashtra.”

[File No. 21012(12)/72-Pol-III]

का. आ. 469.—सोक परिसर (अप्राधिकृत अधिभौगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त अधिकारी का प्रयोग करते हुए, केन्द्रीय सरकार, निम्न सारणी के स्तंभ (1) में वर्णित अधिकारी को, जो सरकार का राजपत्रित अधिकारी है, उक्त अधिनियम के प्रयोगों के लिए सम्पवा अधिकारी एतद्वारा नियुक्त करती है और आगे यह निदेश देती है कि उक्त अधिकारी, उक्त सारणी के स्तंभ (2) में विनिष्ट सोक परिसर की बाबत अपनी अधिकारिता की सीमाओं के भीतर उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारी को प्रदत्त अधिकारों का प्रयोग करेगा और उस पर अधिरोपित कर्तव्यों का पालन करेगा।

सारणी

अधिकारी का पदभिधान

सोक परिसर के प्रवर्ती और अधिकारिता की स्थानीय सीमाएं

क्षेत्रीय निवेशक,
क्षेत्रीय श्रम संस्थान,
सर्वोदय नगर, कानपुर-5

क्षेत्रीय श्रम संस्थान, कानपुर के प्रशासन-
निक नियंत्रण के अधीन परिसर,
जो उसकी अधिकारिता की स्थानीय
सीमाओं के भीतर है।

[फा. सं. 21012(19)/72 राज. 3]

S.O. 469.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being gazetted officer of Government to be estate officer for the purposes of the said Act, and further directs that the said officer shall exercise the powers conferred, and perform the duties imposed, on the estate officer by or under the said Act, within the limits of his jurisdiction in respect of the public premises specified in column (2) of the said Table.

THE TABLE

Designation of the officer	Categories of public premises and local limits of jurisdiction
1	2
Regional Director Regional Labour Institute, Sarvodayanagar, Kanpur-5.	Premises under the administrative control of the Regional Labour Institute, Kanpur, which are within the local limits of his jurisdiction.

[No. 21012 (19)/72-Pol III]

का०आ० 470.—लोक परिसर (अप्रधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, निम्न सारणी के स्तम्भ (1) में वर्णित अधिकारी को, जो सरकार का राजपत्रित अधिकारी है, उक्त अधिनियम के प्रयोजनों के लिए एतद्वारा सम्पदा अधिकारी नियुक्त करती है और उक्त अधिकारी, उक्त सारणी के स्तम्भ (2) में की तरस्यानी प्रविष्टि में विनिर्दिष्ट लोक परिसरों के संबंध में प्राप्ती अधिकारिता की स्थानीय सीमाओं के भीतर, उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग करेगा और उस पर अभिरोपित कर्तव्यों का पालन करेगा।

सारणी

अधिकारी का पदाधिकार	लोक परिसरों के प्रबंग और अधिकारिता की स्थानीय सीमाएँ
(1)	(2)
1. मुख्य उन परीक्षण अधिकारी, तुलसी पाइप रोड, मुम्बई स्थित विषयन और निरीक्षण निदेशालय के प्रशासनिक नियंत्रण के अधीन परिसर।	

[का०सं० 21012(20)/72-नीति-3]

S.O.470.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being gazetted officer of Government, to be estate officer for the purposes of the said Act, and the said officer shall exercise all the powers and perform the duties imposed, on estate officers by or under the said Act, within the local limits of his jurisdiction in respect of the public premises specified in the corresponding entry in column (2) of the said Table.

THE TABLE

Designation of the officer	Categories of Public Premises and local limits of jurisdiction
1. The Chief Wool Testing Officer, Bombay.	Premises under the administrative control of the Directorate of Marketing and Inspection at Tulsi Pipe Road, Bombay.

[No. 21012 (20)/72-Pol III]

का. आ. 471.—लोक परिसर (अप्रधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारत सरकार के निर्माण आवास और पूर्ति मंत्रालय की अधिसूचना सं. का. आ. 1104 तारीख 7 मई, 1959 में एतद्वारा निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना की सारणी में क्रम सं. 10 से लेकर 36 तक और स्तंभ 1 में तत्सम्बन्धित प्रविष्टियों के सामने, स्तंभ 2 में जहाँ कहीं भी “जो उनकी अपनी अधिकारिता की स्थानीय सीमाओं के भीतर स्थित है” शब्द जहाँ कहीं भी आए हों, उनके स्थान पर निम्नलिखित रखे जाएंगे, अर्थात् :—

“जो छावनी भूमि प्रशासन नियम, 1937 के अधीन या अर्जन अभिरक्षा, त्याग नियम, 1944 के अधीन उनके प्रबंध के अधीन रखे गए हैं।”

[फा. सं. 21012(23)/72-नीति-3]

S.O. 471.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Works, Housing and Supply No. S.O. 1104 dated the 7th May, 1959, namely :—

In the said notification, in the Table, against serial Nos. 10 to 36 and the entries relating thereto in column 1, for the works “situated within the local limits of their respective jurisdiction” wherever they occur in column 2, the following shall be substituted, namely :—

“placed under their management under the Cantonment Land Administration Rules, 1937 or under the Acquisition Custody Relinquishment Rules, 1944.”

[File No. 21012(23)/72-Pol.III.]

का. आ. 472.—लोक परिसर (अप्रधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 20 के साथ पठित, धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारत सरकार के स्वास्थ्य और परिवार नियोजन और निर्माण, आवास तथा नगरीय विकास मंत्रालय, निर्माण, आवास और नगर विकास विभाग की अधिसूचना सं. का. आ. 966,

तीरीख 20 फरवरी, 1970 में एतद्वारा निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, सारणी में, क्रम सं. 1 के सामने, स्तंभ 1 में, प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :—

“मुख्य नगर-प्रशासक, खेत्री तांबा परियोजना, हिन्दूस्तान कापर लिमिटेड, खेत्री (राजस्थान)”—

[का. सं. 21012(30)/72-राज. 3]

आर. बी. सक्सेना, सम्पदा उप-निदेशक
और पद्धति, अवर सचिव

S.O. 472.—In exercise of the powers conferred by section 3, read with section 20, of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Health & Family Planning & Works, Housing and Urban Development, Department of Works, Housing and Urban Development No. S.O. 966, dated the 20th February, 1970, namely :—

In the said notification, in the Table, against Serial No. 1, in column 1, for the entry, the following entry shall be substituted, namely :—

“Chief Town Administrator, Khetri Copper Project, Hindustan Copper Limited, Khetri (Rajasthan).”

[File No. 21012(30)/72-POL/III.]

R. B. SAXENA, Dy. Director of Estates
and Ex-officio Under Secy.

भ्रम और पुनर्वास मंत्रालय

(भ्रम और रोजगार विभाग)

नई दिल्ली, 29 दिसम्बर, 1972

आवेदन

का. आ. 473.—सेन्ट्रल बैंक आफ हीणड्हा से सम्बद्ध नियोजकों और उनके कर्मकारों ने, जिनका प्रतिनिधित्व सेन्ट्रल बैंक कर्मचारी संघ, दिल्ली करता है, संयुक्त रूप से केन्द्रीय सरकार को यह आवेदन किया है कि उक्त आवेदन में उपर्योगित और हसरे उपायद्वय अनुसूची में उत्थस विषयों के बारे में आँद्योगिक विवाद को, जो उनके बीच विद्यमान है, एक आँद्योगिक अधिकरण को निर्दीशित किया जाए ;

और, यतः, केन्द्रीय सरकार का समाधान हो गया है कि उक्त सेन्ट्रल बैंक कर्मचारी संघ दिल्ली, कर्मकारों की बहु, संघ्या का प्रतिनिधित्व करता है,

अतः, अब, आँद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित आँद्योगिक अधिकरण, दिल्ली का न्यायनिर्णयन के लिए निर्दीशित करती है।

अनुसूची

(1) सेन्ट्रल बैंक आफ हीणड्हा की गाँल मार्केट शाखा, नई दिल्ली में श्री मनबोध सिंह, वक्तव्य द्वारा किए गए कर्तव्यों को ध्यान में रखते हुए, क्या वह किसी आर्थिक फायदे का हकदार है, और यदि हाँ तो ऐसे आर्थिक अनुत्तम की क्या मात्रा हानी चाहिए ?

(2) उपर्युक्त कर्मकार द्वारा किए गए कर्तव्यों को ध्यान में रखते हुए, क्या वह अभिलेखपाल के रूप में माने जाने का हकदार है और यदि हाँ तो किस तारीख से ?

[सं. एल. 12012/153/72/एल आर 3]

MINISTRY OF LABOUR AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 29th December, 1972

ORDER

S.O. 473.—Whereas the employers in relation to the Central Bank of India and their workmen represented by Central Bank Employees Union, Delhi have jointly applied to the Central Government for reference of an industrial dispute that exists between them to an Industrial Tribunal in respect of the matter set forth in the said application and reproduced in the Schedule hereto annexed ;

And, whereas the Central Government is satisfied that the said Central Bank Employees Union, Delhi represents the majority of the workmen;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi constituted under section 7A of the said Act.

SCHEDULE

(i) whether having regard to the duties performed by Shri Manbodh Singh Daftri, Gole Market branch New Delhi of Central Bank of India, he is entitled to any monetary benefits, and if so, what should be the quantum of such monetary relief?

(ii) whether having regard to the duties performed by the above workman he is entitled to be treated as a Record Keeper and if so from what date?

[No. L.12012/153/72/LRUII]

नई दिल्ली, 4 जनवरी, 1973

आवेदन

का. आ. 474.—यतः केन्द्रीय सरकार की राय है कि इससे उपायद्वय अनुसूची में विनिर्दिष्ट विषयों के बारे में मौसर दाता आयरन एण्ड स्टील कम्पनी लिमिटेड, डाकघर जीलगोरा, जिला धनबाद की जामादांबा कोल वांशिंग प्लांट, के प्रबन्ध-संत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक आँद्योगिक विवाद विद्यमान है,

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्दीशित करना बांधनीय समझती है,

अतः, अब, आँद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को, उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार आँद्योगिक अधिकरण, धनबाद-2 का न्यायनिर्णयन के लिए निर्दीशित करती है।

अनुसूची

क्या बिहार कोयला मजदूर सभा की यह मांग कि सर्वश्री आनन्द नन्दी, जमालुद्दीन और विश्वनाथ प्रसाद, आपरेटर, कोयला मजदूरी बोर्ड की सिफारिशों के अनुसार प्रेषण में 205-7-247-10-337 रुपये के बेतनमान में रखे जाने के हकदार हैं, न्यायीचत है? यदि हां, तो सम्बन्धित कर्मकार किस अनुत्तोष के आंतरिक से हकदार हैं?

[संलग्न एल/2012/142/72-एल. आर-2]

New Delhi, the 4th January, 1973

ORDER

S.O. 474.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Jamadoba Coal Washing Plant of Messrs Tata Iron and Steel Company Limited, Post Office Jealgora, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Dhanbad-II, constituted under section 7A of the said Act.

SCHEDULE

Whether the demand of the Koyala Mazdoor Sabha that Sarvashri Ananda Nandi, Jamaluddin and Biswanath Prasad, Operators are entitled to be placed in the scale of Rs. 205-7-247-10-337 in Grade-D as per the recommendations of the Coal Wage Board is justified? If so, to what relief are the concerned workmen entitled and from what date?

[No. L/2012/142/72-LRII.]

नई दिल्ली, 5 जनवरी, 1973

आदेश

का. आ. 475.—यतः केन्द्रीय सरकार की राय है कि इससे उपायुक्त अनुसूची में विनिर्दिष्ट विषयों के बारे में मौसर भारत कौंकिंग कॉल लिमिटेड की रामकानाली कौलियरी, डाकघर कतरासगढ़, जिला धनबाद के प्रबन्धन्तंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक आंदोलिगक विवाद विद्यमान है,

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्दीशित करना चाहनीय समझती है;

यतः अब, आंदोलिगक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शरीकतयों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्विवाद उक्त विवाद को, उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार आंदोलिगक अधिकरण, (संलग्न 2), धनबाद-2 को न्यायनिर्णयन के लिए निर्दीशित करती है।

अनुसूची

“क्या मौसर इस्ट बास्टाकॉला कौलियरी कम्पनी की इस्ट बास्टाकॉला कौलियरी, डाकघर छारिया, जिला धनबाद के प्रबन्धन्तंत्र की, श्री सुरील कुमार चटर्जी, टगगर हलेज खलासी को, 1 मई,

1972 से कार्यहीन करने के कार्यवाई न्यायीचित है? यदि नहीं, तो कर्मकार किस अनुत्तोष के हकदार हैं?”

[संलग्न एल/2012/128/72-एल. आर-2]

New Delhi, the 5th January, 1973.

ORDER

S.O. 475.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of East Bastacolla Colliery of Messrs East Bastacolla Colliery Company, Post Office Jharia, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, (No. 2), Dhanbad constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of East Bastacolla colliery of Messrs East Bastacolla Colliery Company, Post Office Jharia, District Dhanbad, in rendering Shri Sunil Kumar Chatterjee, Tugger Haulage Khalasi idle with effect from the 1st May, 1972, is justified? If not, to what relief is the workman entitled?

[No. L/2012/128/72-LRII.]

नई दिल्ली, 5 जनवरी, 1973

आदेश

का. आ. 476.—यतः केन्द्रीय सरकार की राय है कि इससे उपायुक्त अनुसूची में विनिर्दिष्ट विषयों के बारे में मौसर भारत कौंकिंग कॉल लिमिटेड की रामकानाली कौलियरी, डाकघर कतरासगढ़, जिला धनबाद के प्रबन्धन्तंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक आंदोलिगक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्दीशित करना चाहनीय समझती है,

यतः अब, आंदोलिगक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शरीकतयों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्विवाद उक्त विवाद को, उक्त अधिनियम की धारा 7-क के अधीन गठित आंदोलिगक अधिकरण, धनबाद-2 को न्यायनिर्णयन के लिए निर्दीशित करती है।

अनुसूची

“क्या मौसर भारत कौंकिंग कॉल लिमिटेड की रामकानाली कौलियरी, डाकघर कतरासगढ़, जिला धनबाद के प्रबन्धन्तंत्र की, सर्वश्री (1) रोजान भुइया, हालोज खलासी, (2) बिजाली भुइया और (3) बासदेव भुइया, द्रेमरां को, 1 अप्रैल, 1972 से काम से रोकने की कार्यवाई न्यायीचित है? यदि नहीं, तो कर्मकार किस अनुत्तोष के हकदार हैं?”

[संलग्न एल/2012/106/72-एल. आर-2]

ORDER

New Delhi, the 5th January, 1973

S.O. 476.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Ramkanali Colliery of Messrs. Bharat Coking Coal Limited, Post Office Katrasgarh, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad-II, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Ramkanali Colliery of Messrs Bharat Coking Coal Limited, Post Office Katrasgarh, District Dhanbad, in stopping the work of Sarvashri (1) Rojan Bhuria, Haulage Khalasi, (2) Bijali Bhuria and (3) Basdeo Bhuria, Trammers, with effect from the 1st April, 1972, is justified? If not, to what relief the workmen are entitled?

[No. L/2012/106/72-LRII.]

आवेदन

नई दिल्ली, 6 जनवरी, 1973

का. आ. 477.—यह संकेत की राय है कि इससे उपाध्यक्ष अनुसूची में विनिर्दिष्ट विषयों के बारे में कंकनी कौलियरी जौ अब भारत क्रॉकिंग कंट्रोल कम्पनी लिमिटेड, डाकघर बंसजांरा, जिला धनबाद के अधीन है के प्रबंधन-तंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक ऑड्योगिक विवाद विद्यमान है;

और यह: केन्द्रीय सरकार उक्त विवाद को न्यायानिर्णय के लिए निर्दिशत करना चाहिए;

अतः, अब, ऑड्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के स्थान (d) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इसक्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-के अधीन गठित केन्द्रीय सरकार ऑड्योगिक न्यायाधिकरण, धनबाद-2, को न्यायानिर्णय के लिए निर्दिशत करता है।

अनुसूची

क्या कंकनी कौलियरी, डाकघर बंसजांरा, जिला धनबाद के प्रबंधन-तंत्र की, श्री समन महत्ता (गोप) खर्निक को 18 मई 1972 से बदली सूची में रखने की कार्रवाई न्यायीचत है? यदि नहीं, तो कर्मकार किस अनुत्तरों का हकदार है?

[संख्या एल/2012/86/72-एल.आर.-2]

ORDER

New Delhi, the 6th January, 1973

pany Limited, Post Office Bansjora, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad-II, constituted under section 7A of the said Act.

SCHEDULE

“Whether the action of the management of Kankanee Colliery, Post Office Bansjora, District Dhanbad, in placing Shri Saman Mahato (Gope), Miner in Badli List, with effect from the 18th May, 1972, is justified? If not, to what relief is the workman entitled?”

[No. L/2012/86/72-LRII]

आवेदन

नई दिल्ली, 22 जनवरी, 1973

का. आ. 478.—यह: इससे उपाध्यक्ष अनुसूची में विनिर्दिष्ट ऑड्योगिक विवाद केन्द्रीय सरकार ऑड्योगिक अधिकरण, जबलपुर के समक्ष प्रवर्तित है;

और यह: न्याय के उद्देश्यों और पक्षकारों की सुविधा के लिए उक्त विवाद अविलम्ब निपटाया जाना चाहिए;

अतः अब, ऑड्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-के और धारा 33 (क्र.) की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, इसक्वारा, एक ऑड्योगिक अधिकरण गठित करती है, जिसके पीठासीन अधिकारी श्री एस०एच० जे० नक्वी होंगे, जिनका मुख्यालय कानपुर होगा, और केन्द्रीय सरकार ऑड्योगिक अधिकरण, जबलपुर से उक्त विवाद से संबद्ध कार्यवाहियों को वापस लेती है और उसे उक्त विवाद को निपटाने के लिए श्री एस०एच० जे० नक्वी, पीठासीन अधिकारी, ऑड्योगिक अधिकरण, कानपुर, को इस निर्देश के साथ प्रत्तरित करती है कि उक्त अधिकरण, और आगे उसी प्रक्रम से कार्यवाही करेगा जिस पर यह उसे प्रत्तरित की गई है और विविध के अनुसार उसका निपटान करेगा;

अनुसूची

क्रम सं० अधिसूचना सं० और तारीख पक्षकारों के नाम

1. अनुसूचना सं० एल० 12025/	केन्द्रीय प्रबन्धक, बैंक आफ बड़ीदा,
14/72-एल० आर० 3,	4-पार्क रोड, लखनऊ और
तारीख 7 जून, 1972	महासचिव, य०पी० बक
श्रीर एल० 12025/34/	एम्प्लाइ फैडरेशन, 26/106,
72/-एल० आर० 3,	बिरहाना रोड, कानपुर ।
तारीख 6 अक्टूबर, 1972,	
के साथ पठित एल० 12012	
106/71-एल० आर० 3,	
तारीख 24 फरवरी, 1972	

[सं० एल० 12012/106/72-एल० आर० 3

कर्नेल सिंह, अवर सचिव

S.O. 477.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Kankanee Colliery now under the management of Bharat Coking Coal Com-

ORDER

New Delhi, the 22nd January, 73.

S.O. 478.—Whereas the industrial dispute specified in the Schedule hereto annexed is pending before the Central Government Industrial Tribunal, Jabalpur;

And whereas for the ends of justice and convenience of the parties the said dispute should be disposed of without further delay;

Now, therefore, in exercise of the powers conferred by section 7A and sub-section (1) of section 33B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri S.H.J. Naqvi as the Presiding Officer with headquarters at Kanpur, withdraws the proceedings in relation to the said dispute from the Central Government Industrial Tribunal, Jabalpur and transfers the same to Shri S.H.J. Naqvi, Presiding Officer, Industrial Tribunal, Kanpur, for the disposal of the said dispute, with the direction that the said Tribunal shall proceed with the proceedings from the stage at which they are transferred to it and dispose of the same according to law.

SCHEDULE

Sl. Notification No. and date No.	Names of the parties
1. L. 12012/106/71-LRIII dated February 24, 1972 read with orders No. L. 12025/14/72-LRIII dated the 7th June, 1972 and L. 12025/34/72-LR-III dated the 6th October, 1972 respectively.	The Regional Manager, Bank of Baroda, 4 Park Road, Lucknow and the General Secretary, U.P. Bank Employees Federation, 26/106, Birhana Road, Kanpur.

[No. L.12012/106/72-LRIII]

New Delhi, the 1st February, 1973

S.O. 479.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Madras in the industrial dispute between the employers in relation to the Indian Overseas Bank and their workmen, which was received by the Central Government on the 27th January, 1973.

[No. L. 12012/25/72-LRIII]

KARNAIL SINGH, Under Secy.

BEFORE THIRU G. GOPINATH, B.A., B.L., PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, MADRAS

(Constituted by the Central Government)

Industrial Dispute No. 27 of 1972

Madras, the 11th January, 1973

(In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of Indian Overseas Bank, Madras-2).

BETWEEN

The President, All India Overseas Bank Employees Union, 'College House', No. 17, Maker Street, Madras-1.
AND

The General Manager, Indian Overseas Bank, No 151, Mount Road, Madras-2.

Reference:

Order No. L. 12012/25/72-LRIII dated 21-6-1972 of the Ministry of Labour and Rehabilitation, Department of Labour and Employment, Government of India, New Delhi.

This dispute coming on for final hearing on Tuesday, the 2nd day of January, 1973 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiruvalargal A. L. Somayaji and R. Ismail Nazeem, advocates for the union and of Thiruvalargal C. Ramakrishna and N. G. R. Prasad, Advocates for the management and having stood over till this day for consideration this Tribunal made the following:

AWARD

The issue referred for adjudication in the industrial dispute between the management of the Indian Overseas Bank, Madras and their workmen is as follows:

• Whether the action of the management of the Indian Overseas Bank in dismissing from service Shri B. K. R. Pai with effect from the 30th November, 1970 is justified? If not, to what relief is he entitled?"

(2) It is unnecessary to set out the pleadings as the respective cases of the employer and the workman will emerge from the discussion to follow.

(3) Sri B. K. R. Pai, the workman involved in this dispute, joined the Bank in July, 1965 and was confirmed as a member of the clerical establishment on 15-7-1966. At the time of his dismissal he was working in the Fort branch, Bombay and was in charge of the Saving Bank Account and reconciliation section. He remained absent from 25-6-1970. The office received a letter dated 26-6-1970 purported to have been sent by him addressed to the Assistant General Manager, Staff department, Indian Overseas Bank, Madras through the Regional Manager, Bombay but not signed, tendering his resignation from the bank and requesting the bank to accept it [Ex. M-4(b)]. On receipt of this letter, the bank sent a communication dated 27-6-1970 to Sri B. K. R. Pai asking him to call at the office immediately [Ex. M-4 (d)]. As there was no response to this letter, another communication was sent to Sri B. K. R. Pai by the bank dated 8-7-1970 stating that it was unable to accept his resignation as his letter was unsigned and requesting him to send a duly signed letter to enable the bank to consider his request [Ex. M-4(c)]. This letter was returned with the remarks of the postal authorities "Left. Address not known". Since Sri B. K. R. Pai did not report to duty till 18-9-1970 and as no signed communication was received from him for his absence, the management being of the view that Sri B. K. R. Pai had abandoned his duties and had also dislocated the work of the bank, framed a charge-sheet under para 17.5(j) of the settlement on the industrial dispute between the Indian Overseas Bank Ltd., Madras and its workmen (Ex. M-17). The above para reads thus:

"doing any act prejudicial to the interests of banks, or gross negligence or negligence involving or likely to involve the bank in serious loss".

A letter was sent to him to this effect and he was asked to present himself at an enquiry at the Indian Overseas Bank Central Office, Mount Road on 12-10-1970 (Vide Ex. M-1 dated 18-9-1970). Sri B. K. R. Pai sent a reply to Ex. M-1 and this is dated 26-9-1970 (Ex. M-2) requesting that his absence for three months may be condoned and that he allowed to work for the bank. He also withdrew his resignation letter and wanted the bank to treat his absence as absence on leave. An enquiry into the charge was held against Sri B. K. R. Pai at the Head Office, Madras by Sri D. J. Ambrose. Sri Pai was present at the enquiry, at which one Sri V. J. Kothari an officer attached to the staff Department in the Central Office, was examined. Sri Pai was allowed to cross-examine him. Sri Pai had no witness to be examined on his behalf. As per Ex. M-5 the finding of the enquiry officer was that Sri B. K. R. Pai by his conduct had committed an act prejudicial to the interests of the bank under para 17.5(j) of Ex. M-17. The finding, along with a copy of the proceedings of the enquiry was sent to Sri Pai who was asked to show cause why he should not be dismissed from the service of the bank. This letter is Ex. M-6, dated 27-10-1970. Sri Pai sent a written representation to the enquiry officer dated 24-11-1970 stating that the misdemeanour committed by him would only be a minor mis-conduct falling under 17.7(a) of Ex. M-17 which is "absence without leave or overstaying"

sanctioned leave without sufficient grounds" for which the punishment is provided in para 17.8, that the bank was not entitled to charge him under any other grounds and that no question of his dismissal arose (Ex. M-11). There was a show cause hearing given to Sri Pai on 25-11-1970 (Ex. M-12). By the order dated 30th November, 1970, Sri Pai was dismissed from service with effect therefrom (Ex. M-13). Sri Pai preferred an appeal against Ex. M-13 to the Deputy General Manager, Indian Overseas Bank, Madras. The order of the appellate authority confirming Ex. M-13 is dated 10-6-1971 (Ex. M-16).

(4) Exs. W-1 to W-3 show that a representation was made by the All India Overseas Bank Employees' Union to the Regional Commissioner to interfere in reinstating Sri Pai and that the Regional Labour Commissioner was unable to effect any conciliation.

(5) The first point that arises for consideration is whether the charge against Sri Pai that he abandoned his duties for a long period thus rendering himself guilty of doing an act prejudicial to the interests of the bank has been proved. Undoubtedly he had absented himself from duty from 25-6-1970 till 18-9-1970. In his reply Ex. M-2, he has admitted having sent Ex. M-4(b) in which he had tendered his resignation unconditionally from the service of the bank. The bank could not obviously act on it since it was not signed and hence it was not sure whether the letter had in fact been sent by Sri B. F. R. Pai. The bank's efforts to get into touch with Sri Pai for the purpose of taking further action proved futile since the letters sent by it (Ex. M-4(d) and Ex. M-4(e)) were returned to the bank as the addressee had left Bombay. Between 25-6-1970 and 26-9-1970 (the date of Ex. M-2) no communication whatsoever was received by the bank from Sri Pai. Sri V. J. Kothari has stated before the enquiry officer that by his long absence Sri Pai had committed an act prejudicial to the interests of the bank, resulting in dislocation of work. The bank was also not in a position to fill up the vacancy as there was no letter from Sri Pai about his whereabouts. According to Sri V. J. Kothari, his continuous absence without any communication meant a serious reaction to the discipline among the employees of the bank. He has further stated that Sri Pai had caused great inconvenience to the bank by his absence.

(6) Sri Pai had told the enquiry officer that when he sent his resignation letter he was not aware that he had not signed it, and that he thought it would be accepted. When he was questioned as to whether his intention at the time he sent Ex. M-4(b) was to resign from the bank he said that he was mentally perturbed at that time, and that he sent that letter out of a feeling of guilt as he was indebted to a large extent. The following questions addressed by the enquiry officer and the answers given by Sri B. K. R. Pai may be extracted.

"E.O.—At that time of despatching your letter, you were in sound mental faculty (i.e.) were you all right mentally?

B.K.R.—I was not.

E.O.—Whether your statement mean you were insane.

B.K.R.—Not insane but a confused mental state of mind.

E.O.—When you are not insane and when you are mentally alright you must be knowing what you have written in your letter of 26-6-1970 and the implications thereof.

B.K.R.—Yes.

E.O.—Did you know at the time of sending your letter dated 26-6-1970 that the letter was not signed.

B.K.R.—No.

E.O.—When you came to know that the said letter was not signed by you.

B.K.R.—When I saw the charge-sheet of 18-9-1970, which mentioned that the letter was not signed by me I came to know it.

E.O.—In between the date of sending the letter of 26-6-1970 and the date of knowledge that the said letter was unsigned, were you under the impression that you have resigned from the service of the bank and you have nothing to do with the Bank.

B.K.R.—Yes.

E.O.—Was it the reason why you not sent any leave application?

B.K.R.—Yes.

E.O.—In your explanation dated 26-9-1970 you have stated that the letter of resignation went without your signature by an error of inadvertence. Is this statement of yours correct?

B.K.R.—Yes."

(7) It has been urged on behalf of the union that Ex. M-4(b) should not be taken into consideration at all since even the enquiry officer has not relied on it, as in his view, the letter had no validity at all. It is true that it is not a valid letter of resignation in as much as it has not been signed, but that is a different thing from saying that the letter should not be taken into consideration to ascertain whether Sri Pai had abandoned his duties. His explicit admission that he was under the impression when he sent the letter that he had resigned and that he had nothing to do with the bank thereafter (till he received Ex. M-1) would clearly show that his idea was to sever his connections with the bank. Though he has stated in his explanation Ex. M-2 that he wanted to withdraw his letter of resignation, he had never approached the bank before 26-9-1970 to apprise them that he did not want to resign. No doubt, he has mentioned in his explanation that he approached the Calcutta Agent to help him to contact the Central Office, but nothing stood in his way to report immediately to the Bombay office that he was withdrawing his letter of resignation and that he wanted to continue to work. There is nothing to show that till 26-9-1970 he took any step to resile from his stand that he was resigning from the bank with effect from 26-6-1970. In fact, he had left Bombay even on 26-7-1970 and returned on 26-9-1970 which again is a circumstance indicating that he had no intention to work in the bank. Thus his conduct plainly shows that he had abandoned his duties.

(8) It is then urged for the union that there is no material in this case to hold that the act of Sri Pai in remaining absent during this period was prejudicial to the interests of the bank as to attract the mischief of 17.5(j) of Ex. M-17. It is said that no officer of the bank at the Fort branch, Bombay has been examined to prove it. But there is the uncontradicted evidence of Sri V. J. Kothari that by his (Sri Pai's) long absence there was dislocation in the working of the bank which was also not in a position to fill up the vacancy as there was no valid letter of resignation from him. He was incharge of Savings Bank Account and the reconciliation section of the bank. It should be apparent that his absence for such a long period in this section would cause dislocation. A banking institution cannot afford to have a member of its clerical staff working in the Savings Bank Account (or for that matter any department) absent for such a long period and also make it impossible for the bank to get into contact with him at his address. To the following question by the Enquiry Officer: "Do you agree that by your long absence you have dislocated the work of the bank prejudicial to its interests?" Shri Pai: "Yes, I suppose I have committed this unknowingly". The Enquiry Officer then asked him "Do you want to state anything by way of summing up". Sri Pai answered "Yes. While summing up with further reference to my letter 26-9-1970, I have to state as follow: I admit the charge levelled against me and I will have to state that the said act was not committed intentionally or willingly or knowingly either to disturb the routine of the bank to suffer any loss or to set up a bad example for the discipline in the Bank. Whatever I have done was done with a confused state of mind and there was nothing intentional. In view of that I am to request the Bank to view the case on humanitarian grounds. This apart I could meet a large portion of my liabilities and I am indebted to the extent of Rs. 8,000/- If the Bank is kind enough to retain me in service, I will be able to liquidate the

liabilities in a short span of time. In view of the above foregoing circumstances, I have to request the Bank to give me a second lease of life in the service of the Bank. I am prepared to accept any punishment and request specifically not to dismiss me. Even if a transfer is to be given, I will be accepting it. And I request the speedy disposal of this case". "It may be that Sri Pai did not intend that his act would cause prejudice to the bank by dislocating the work at the same time putting it in a quandary as it could not fill the vacancy. But whether Sri Pai intended the result of his action or not is irrelevant, if in fact, his act was prejudicial to the interest of the bank. There can, in my view, be no doubt that Sri Pai had, by remaining absent for a long time after sending his unsigned letter of resignation, abandoned his duties and rendered himself guilty of doing an act prejudicial to the interests of the bank.

(9) The learned counsel for the union argues that the act of Sri Pai would only amount to absence without leave falling under 17.7(a) of Ex. M-17 which is a minor misconduct. In support of this contention, he relies on the following observation of the Enquiry Officer in Ex. M-5, "The employee therefore continues to be in the service of the Bank and is liable to be charged sheeted for his misconduct of absenting without leave for a long period". In one sense, the act of Sri Pai would be absence without leave. But when the foregoing circumstances are borne in mind, one cannot escape the conclusion that his act would amount to a gross misconduct as it is prejudicial to the interests of the Bank. In assessing the misconduct committed by Sri Pai one has to take an overall picture and not confine one's attention to the fact that he was merely absent without sending an application for leave. I therefore cannot agree with the argument of the union's learned advocate that the misconduct of Sri Pai would fall only under section 17.7(a) and not Section 17.5(j) of Ex. M-17.

(10) It has been contended in the claim statement that the disciplinary action taken against Sri Pai is malafide since he was an Assistant General Secretary of the union and that this would be plain from the circumstance that the circulars issued by him in such a capacity were kept with his personal file. The charge of victimisation which is implied in this contention has no basis. Nowhere in his explanation does Sri Pai allege that the action initiated against him by the management is malafide. Nor is there any suggestion from Sri Pai, in the course of the domestic enquiry, that he was being victimised for his union activities. A case of victimisation has to be proved by the employee and cannot be a matter for surmise. The mere circumstance, that certain circulars issued by him as the Assistant Secretary of the union were in his personal file, does not lead to the inference that the disciplinary action taken against him is actuated by malafides. The management has stated that circulars issued by the other office bearers of the union are also placed in their files, and that no disciplinary action has been taken against them. Hence the contention that Sri Pai has been victimised for his trade union activities is untenable. Another point taken by the union is that the domestic enquiry is vitiated as the enquiry officer who himself issued the charge sheet, cross-examined Sri Pai, thus abdicating his role as an impartial fact finding authority. There is nothing wrong in the enquiry officer, who chargesheeted the employee, conducting the domestic enquiry against him. The purpose of the enquiry officer questioning Sri Pai was apparently to get all the relevant details from him. The proceedings of the domestic enquiry reveal that the enquiry officer has considered all the aspects of the case. There was also no objection taken by Sri Pai to Sri D. J. Ambrose conducting the enquiry. There is absolutely no material to hold that the enquiry officer was biased against Sri Pai.

(11) The next point for decision is whether the misconduct committed by Sri Pai warrants his dismissal. It is contended for the union that, the punishment meted out to Sri Pai is disproportionate to the misconduct. Under section 11A of the Industrial Disputes Act (which came into force on 15-12-1971) it is now open to an industrial court to review and decide the quantum of punishment. It is however contended for the management that the union cannot invoke Section 11A since the employee was dismissed on 30-11-1970 long before the amendment came into force. But section 11A by its very terms would clearly apply to all industrial disputes referred for adjudication after 15-12-1971. The date of the order of dismissal is not relevant in considering the question as regards the applicability of Section 11A so long as the dispute is referred for adjudication subsequent to the date on which Section 11A came into operation.

(12) Sri Pai has stated in Ex. M-4(b) that he is indebted to the extent of Rs. 25,000/- This is one of the reasons which induced him to resign from the service of the bank. The fact that he is heavily indebted has been reiterated by him before the enquiry officer. In the counter statement, the management has contended that it has lost confidence in Sri Pai, and that his reinstatement in service would be detrimental to the interests of the bank. I am of the view that an institution like a bank cannot afford to have on its rolls an employee like Sri Pai who is in large debts and in whom, the Bank has no confidence. His conduct in sending a letter of resignation and deserting his duties would also show that he is not a person whom I could compel the Bank to retain in service. That would certainly be inexpedient bearing in mind the larger interests of a banking institution.

(13) Having regard to all the circumstances of this case, though the misconduct is of the gross type, I think that the order of dismissal can be substituted by an order of discharge as provided under section 17.12(c) of Ex. M-17. This is because I do not want that any disciplinary action should mark his future prospects. Sri B. K. R. Pai is therefore discharged from service.

(14) In the result an award is passed accordingly. Dated this the 11th day of January, 1973.

G. GOPINATH, Presiding Officer.

WITNESSES EXAMINED

DOCUMENTS MARKED:

For both sides: Nil

For workmen:

- Ex. W-1/22-7-1971.—Letter from the union to the Regional Labour Commissioner, Madras-6 requesting to interfere and re-instate Thiru B. K. R. Pai.
- Ex. W-2/23-8-71.—Letter from the Management to the Assistant Labour Commissioner Madras regarding dismissal of Thiru B. K. R. Pai (copy).
- Ex. W-3/22-2-1972.—Conciliation failure report.

For management

- Ex. M-1/18-9-1970.—Charge sheet issued to Thiru B. K. R. Pai.
- Ex. M-2/26-9-1970.—Explanation of Thiru B. K. R. Pai to Ex. M-1 (copy).
- Ex. M-3/12-10-1970.—Letter from Thiru B. K. R. Pai to the Enquiry Officer for postponing the enquiry.
- Ex. M-4. — —Enquiry proceedings.
- Ex. M-4(a)/18-9-1970.—Similar to Ex. M-1 (marked in the domestic enquiry).
- Ex. M-4(b)/26-6-1970.—Resignation letter from Thiru B. K. R. Pai to the management (unsigend).
- Ex. M-4(c)/26-9-1970.—Original of Ex. M-2 (marked in the domestic enquiry).
- Ex. M-4(d)/27-6-1970.—Letter from the management to Thiru B. K. R. Pai.
- Ex. M-4(e)/8-7-1970.—Letter from the management to Thiru B. K. R. Pai asking him to report for duty (marked in the domestic enquiry).
- Ex. M-4(f)/30-9-1970.—Letter from the Regional Manager, Bombay to the management enclosing Ex. M-2 (marked in the domestic enquiry).
- Ex. M-5/27-10-1970.—Findings of the Enquiry Officer.
- Ex. M-6/27-10-1970.—Show cause memo issued to Thiru B. K. R. Pai.

- Ex. M-7/2/3-11-1970.—Copy of Telegram adjoining the show cause hearing to 12-11-1970.
- Ex. M-8/3-11-1970.—Letter from the Enquiry Officer to Thiru B. K. R. Pai postponing the show cause hearing on 12-11-1970.
- Ex. M-9/6-11-1970.—Letter from Thiru B. K. R. Pai to Enquiry Officer requesting for adjournment.
- Ex. M-10/9-11-1970.—Letter from the Enquiry Officer to Thiru B. K. R. Pai postponing hearing on 25-11-1970.
- Ex. M-11/24-11-1970.—Explanation of Thiru B. K. R. Pai to Ex. M-6.
- Ex. M-12/25-11-1970.—Proceedings of the show cause hearing (copy).
- Ex. M-13/30-11-1970.—Dismissal order issued to Thiru B. K. R. Pai.
- Ex. M-14/14-1-1971.—Appeal by Thiru B. K. R. Pai against Ex. M-13.
- Ex. M-15. — Proceedings of Appellate authority.
- Ex. M-16/10-6-1971.—Order of the Appellate authority.
- Ex. M-17/14-12-1966.—Settlement on the Industrial Disputes between the parties (printed copy).

Industrial Tribunal.

NOTE: The parties are directed to take return of their document/documents within six months from the date of the award.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 1) DHANBAD

New Delhi, the 2nd February, 1973

S.O. 480.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of West Colliery of Messrs West Bokaro Limited Post Office Ghatotkach, District Hazaribagh and their workmen, which was received by the Central Government on the 27th January, 1973.

[No. L-20012/11/72-LRII]

KARNAIL SINGH, Under Secy.

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 10 of 1972

Parties :

Employers in relation to the management of West Bokaro Colliery of Messrs West Bokaro Limited, Post Office Ghatotkach, Dist. Hazaribagh

AND

Their Workmen

Present :

Shri D. D. Seth, Presiding Officer.

Appearances :

For the Employers :—Shri S. S. Mukherjee, Advocate.

For the Workmen :—Shri B. Lal, Advocate.

Dhanbad, the 22nd January, 1973

AWARD

This is a reference under section 10(1)(d) of the Industrial Disputes Act, 1947 made by the Central Government by its
46 G of 1/72—15

Order No. 20012/11/72-LRII dated 21-3-72 in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and runs as follows—

"Whether the action of the management of West Bokaro Colliery of Messrs West Bokaro Limited, Post Office Ghatotkach, District Hazaribagh, was justified in dismissing Shri Krishna Bahadur, Watchman from service with effect from the 9th October, 1971? If not, to what relief is the workman entitled?".

2. The reference was received by the Tribunal on 24-3-72 and was numbered as reference No. 10 of 1972.

3. After receipt of the reference usual notices were issued to the parties. The employers (hereinafter called the management) filed their written statement dated 14-4-72 on 17-4-72. The written statement-cum-rejoinder of the workmen is dated 25-4-72 and was received by the Tribunal on the same day. The management filed its rejoinder to the written statement filed on behalf of the workmen on 8-6-72. On 13-9-72 Shri S. S. Mukherjee appearing for the management filed eight items of documents and on the same day Shri B. Lal, appearing on behalf of the workmen prayed for time for filing documents and time was granted to him till 24-10-72 for filing documents. On 24-10-72 Shri B. Lal asked for further time for filing documents on behalf of the workmen and two weeks further time was allowed to him for filing documents but no documents have been filed on behalf of the workmen. The eight items of documents filed by the management are as follows :—

- (1) Chargesheet dated 12-8-71 issued to Shri Krishna Bahadur.
- (2) Original reply of Krishna Bahadur to Chargesheet dated 15-8-71.
- (3) Office copy of notice of enquiry dated 27-8-71.
- (4) Original proceedings of the departmental enquiry.
- (5) Original report of the Enquiry Officer, Shri M. P. Varma.
- (6) Office copy of dismissal letter dated 4-10-71.
- (7) Original service record of Shri Krishna Bahadur.
- (8) Copy of the certified standing orders in respect of West Bokaro Colliery.

4. Out of the above eight items of documents filed on behalf of the management Shri B. Lal appearing for the workmen has admitted items nos. 1, 2, 3, 6, 7 and 8 and they have been marked Exts. M1, M2, M3, M4, M5, and M6 respectively.

5. The management's case, in brief, is that Krishna Bahadur was working as a Watchman in the colliery at the relevant time and on 2-8-71 he was deputed to work as a Watchman and his duty was to guard the materials belonging to the management from the Return Station to Trestle No. 10 but due to his negligence nine pieces of rail were cut by gas and were stolen away from near the Trestles No. 6 and 7. On account of this misconduct a chargesheet dated 12-8-71 was issued to Shri Krishna Bahadur to which he submitted an explanation denying the charge. After due notice a thorough departmental enquiry was held in the presence of Shri Krishna Bahadur and in which he was given full opportunity to cross-examine the witnesses produced by the management and was also allowed to produce defence witnesses. In that departmental enquiry the misconduct mentioned in the chargesheet dated 12-8-1971 was satisfactorily established, inasmuch as the Enquiry Officer held that Shri Krishna Bahadur was guilty of negligence in performing his duty resulting in loss of property belonging to the management. As the misconduct against Shri Krishna Bahadur mentioned in the chargesheet was satisfactorily established and there were no mitigating circumstances in his favour and after considering the gravity of the offence, Shri Krishna Bahadur was dismissed by letter No. WBC/A/ 29/4591 dated 4/5-10-71 with effect from 9-10-71.

6. In the written statement filed by the workmen it is admitted that Shri Krishna Bahadur was deputed to work as a guard on the relevant date. It is further admitted that the chargesheet was issued to him and that he denied the allegations mentioned in the chargesheet. According to

the written statement of the workmen Shri Krishna Bahadur Thapa did not commit any misconduct. In paragraph 8 of the workmen's written statement it is stated that the domestic enquiry held by the management was in utter disregard of the principle of natural justice and that Krishna Bahadur was not allowed to cross-examine the witness produced by the management properly and was also not allowed to adduce his full defence. It was stated in paragraph 11 of the workmen's written statement that there were several mitigating circumstances which were not considered by the management at all and that the dismissal order was not proper and was not justified. The workmen's case is that when Krishna Bahadur Thapa was on duty as a Watchman on 2-8-71 the materials belonging to the management were scattered all over on a very wide area in an isolated place and that Krishna Bahadur was not armed. On the date of occurrence a dacoity was committed by several dacoits who were armed with deadly weapons. They came by truck and after taking away the materials belonging to the company escaped by the truck. Shri Krishna Bahadur Thapa gave information of the dacoity soon after the occurrence to His Supervisor but no steps were taken by the Supervisor or anybody to apprehend the dacoits as a result of which the dacoits escaped. According to the workmen it was not possible for Krishna Bahadur to Challenge and fight the dacoits who were armed with deadly weapons especially when he had no arms and had nobody to help him. The workmen's case further is that the management took action against Krishna Bahadur Thapa due to victimisation and that the findings of the Enquiry Officer are perverse and are not based on the proper appreciation of the materials which were before him. The Enquiry Officer was biased against Krishna Bahadur and that the action of the management in dismissing Krishna Bahadur was not justified.

7. In its rejoinder to the written statement filed on behalf of the workmen the management stated that the departmental enquiry was conducted in the presence of the concerned workman and the statements made by the witnesses at that enquiry were read over and explained to him in Hindi and he was given full opportunity to cross-examine the witness for the management and also to produce defence witnesses. The management denied that there were any mitigating circumstances which required any consideration by it and hence the dismissal of the workman was proper and justified. It was further stated that the story of the decoit was false and had been invented for the purpose of the present case. It was denied that the Enquiring Officer was biased against the concerned workman. It was reiterated that the action of the management in dismissing Shri Krishna Bahadur Thapa was justified.

8. I have heard the representatives of the parties. On behalf of the management only one witness, namely, Shri M. P. Varma, M.W.I was produced. The witness stated that he was the Personnel Officer in the colliery from 1968 till September, 1972 and that he knew Krishna Bahadur. He further, stated that he held departmental enquiry against Krishna Bahadur and that Krishna Bahadur was present at the time of the enquiry. During the enquiry only one witness namely, Shri K. P. Singh was examined on behalf of the management and on behalf of the workman Shri Krishna Bahadur examined himself. Shri M. P. Varma deposed that he recorded the statement of the witnesses in presence of Krishna Bahadur and read over the statements in Hindi to him and explained the same to him. Witness was shown the original proceedings of the departmental enquiry and stated that they were the departmental enquiry proceedings. These proceedings were marked Ext. M7. Shri M. P. Varma also stated that after conducting the departmental enquiry he wrote a report which bears his signature and which was marked Ext. M8. The witness stated that it was not a fact that he did not allow Krishna Bahadur to fully cross-examine Shri K. P. Singh produced on behalf of the management and also stated that it was not a fact that he did not permit Krishna Bahadur to produce any defence witnesses. According to M. P. Varma, he had no bias against Krishna Bahadur. In cross-examination by Sri B. Lal appearing on behalf of the workmen Shri M. P. Varma stated that during the course of the enquiry if a delinquent declines to cross-examine a witness produced on behalf of the management that fact is mentioned in the enquiry proceedings. In the instant case it is mentioned in Ext. M 7 (enquiry proceedings) that Shri Krishna Bahadur declined to cross-examine Shri K. P. Singh. Shri M. P. Varma in cross-examination admitted that Krishna Bahadur was not cross-examined by anybody and that no-

body was conducting the proceedings on behalf of the management. The witness stated that he visited the place of occurrence just after the enquiry but did not prepare any map or chart at the time of the spot inspection. The place of occurrence "is not compounded but it is near the Chainpur Railway Siding". According to Shri M. P. Varma, the employers had a telephone connection at the Chainpur Siding where the alleged theft took place. It was admitted by Shri M. P. Varma that he did not mention about his spot inspection in his enquiry report (Ext. M7). The witness denied that he had made his enquiry report to protect Shri K. P. Singh, Supervisor or that he had drawn up his report on the opinion of Shri K. P. Singh.

9. No witness was examined on behalf of the workmen in view of section 11A of the Industrial Disputes Act, 1947, the proviso of which lays down that the Labour Court, Tribunal or National Tribunal as the case may be, shall rely only on the materials on record and shall not take any fresh evidence in relation to the matter.

10. The only contention raised by Shri S. S. Mukherjee appearing on behalf of the management is that the workman concerned was guilty of negligence and that the story of dacoity said to have been committed on the night of the incident is an afterthought as no mention of it was made by Krishna Bahadur during the departmental enquiry and since Krishna Bahadur was supposed to guard the properties of the management, there are no mitigating circumstances in his favour. The charge against Krishna Bahadur was fully established and his dismissal from service was justified.

11. Shri B. Lal on the other hand contended that Shri K. P. Singh admitted during the departmental enquiry that Krishna Bahadur had reported about the incident to him one and half hour after the incident and since there was a telephone at the Chainpur siding, immediate action should have been taken by the Supervisor to inform the police authorities so that the dacoits could be apprehended but nothing was done. According to Shri B. Lal, Shri Krishna Bahadur did not make any noise after seeing the dacoits because when he saw them, the dacoits were already leaving by the truck on which they had come and in the opinion of Shri B. Lal the domestic enquiry conducted against Krishna Bahadur was perverse and biased and hence the action taken by the management in dismissing the concerned workman from service was not justified.

12. I have carefully gone through the written statement and other documents on record and it is true that it is mentioned in paragraph 19 of the workmen's written statement that the enquiry officer was biased and had not properly appreciated the materials before him but there is no evidence before me that Krishna Bahadur did not understand the enquiry proceedings or that Shri M. P. Varma who conducted the domestic enquiry was in any way biased against Krishna Bahadur. Hence it must be held that the departmental enquiry proceedings were conducted properly and the enquiry officer had no bias against Krishna Bahadur but I do not agree with Shri S. S. Mukherjee that there are no mitigating circumstances and that Krishna Bahadur deserved the punishment of dismissal. Krishna Bahadur has been in service of the management for 20 years. This long period of service should have been taken into consideration by the management in imposing punishment on Krishna Bahadur, and it was at the earliest opportunity that Krishna Bahadur stated that a dacoity took place on the night of the incident and that the dacoits were armed and that he had no arms. Under the circumstances Krishna Bahadur did not raise any noise for fear of his life but it is on record that he informed Sri K. P. Singh, Supervisor one hand half hour after the incident and that the management had telephone connection at Chainpur siding where the alleged dacoity is said to have taken place. If the Supervisor had taken immediate action and had informed the police authorities it is possible that the dacoits might have been apprehended. It may be stated that Shri K. P. Singh admitted at the departmental enquiry that Krishna Bahadur had reported to him about the incident one and half hour after the incident but he took no action. There was thus negligence on the part of the Supervisor also.

13. For the above reasons I am of the opinion that the punishment of dismissal given to concerned workman was too drastic an action and that ends of justice would have been served if he was suspended without pay for 10 days

under paragraph 27 of the standing orders of the colliery. Both Shri S. S. Mukherjee and Shri B. Lal conceded that this Tribunal has power to reduce the punishment imposed on Krishna Bahadur.

14. Considering all the circumstances mentioned above my award is that the action of the management of West Bokaro Colliery of M/s. West Bokaro Limited, P.O. Ghatotkach, Dist. Hazaribagh in dismissing Shri Krishna Bahadur from service with effect from 9-10-1971 was not justified. Shri Krishna Bahadur is entitled to be reinstated at his original post and is also entitled to get the back wages with effect from 18-10-1971 along with other emoluments to which he was entitled. For the period between 9-10-71 and 18-10-71 Krishna Bahadur should be treated as being under suspension without pay under clause 27 of the standing orders of the colliery.

15. Let a copy of this award be sent to the Central Government under section 15 of the Industrial Disputes Act, 1947.

D. D. SETH, Presiding Officer.

New Delhi, the 3rd February, 1973

S.O. 481.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Pure Jambad Colliery of Messrs Pure Jambad Colliery (Private) Limited, Post Office Bahula, District Burdwan and their workmen, which was received by the Central Government on the 30th January, 1973.

[No. L-19012/99/71-LRII.]

KARNAIL SINGH, Under Secy.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 8 of 1972

Parties :

Employers in relation to the management of Pure Jambad Colliery of Messrs Pure Jambad Collieries (Private) Limited.

AND

Their workmen

Present :

Sri S. N. Bagchi—Presiding Officer.

Appearances :

On behalf of Employers—Sri Monoj Kr. Mukherjee, Advocate.

On behalf of Workmen—Sri B. S. Azad, General Secretary, Khand Shramik Congress.

State : West Bengal.

Industry : Coal Mine.

AWARD

By Order No. L/1912/99/71-LRII, dated 7th February, 1972, the Government of India, in the Ministry of Labour and Rehabilitation, Department of Labour and Employment, referred the following dispute existing between the employers in relation to the management of Pure Jambad Colliery of Messrs Pure Jambad Collieries (Private) Limited and their workmen, to this tribunal, for adjudication, namely:

"Whether the action of the management of Pure Jambad Colliery of Messrs Pure Jambad Collieries (Private) Limited, Post Office Bahula, District Burdwan, in reducing the train fare to the workmen mentioned hereinunder from 2nd to 3rd Class with

effect from the 1st February, 1971, without notice under Section 9A of the Industrial Disputes Act, 1947, is legal and justified? If not, to what relief these workmen are entitled?

Sl. No.	Name	Designation
1.	Kishru Chamar	Loader
2.	Budhiram Chamar	"
3.	Seonandan Chamar	"
4.	Sulanti Chamar	"
5.	Milu Chamar	"
6.	Sakaldip Chamar	"
7.	Dalip Chamar	"
8.	Surju Chamar	"
9.	Sattan Chamar	"
10.	Joimongol Chamar	"
11.	Sawaru Chamar	"
12.	Basu Singh	"
13.	Foudar Chamar	"
14.	Mewal Chamar	"
15.	Jhuruli Chamar	"
16.	Munarik Chamar	"
17.	Basu Chamar	"
18.	Gunai Chamar	"
19.	Gunraj Chamar	"
20.	Ramkamal Chamar	"
21.	Rajdeo Bhar	"
22.	Rangai Chamar	"
23.	Mahesh Chamar	"
24.	No. 2 Ghurahn Bhar	"
25.	Ratan Gorari	"
26.	Abdul Hakim Mia	"
27.	Mongru Chamar	"
28.	Jilongi Chamar	"
29.	Fagu Chamar	"
30.	Ramnath Chamar	"
31.	Ganpet Chamar	"
32.	Panohu Chamar	"
33.	Nandkishor Chamar	"
34.	Badhu Chamar	"
35.	Balkaran Chamar	"
36.	No. 1 Balli Chamar	"
37.	No. 2 Balli Chamar	"
38.	Narayan Singh	"
39.	Rashiklal Jadab	"
40.	Rudal Mondal	"
41.	Balihari Chamar	"
42.	Jaduram Chamar	"
43.	Biswanath Harijan	"
44.	Umrais Harijan	"
45.	Purnabashi Chamar	"
46.	Bonshi Chamar	"
47.	Rajballi Chamar	"
48.	Gopal Beldar	"
49.	Tufani Chamar	"
50.	Chhobilal Chamar	"
51.	Sadama Chamar	"
52.	Sukraj Chamar	"
53.	Ramsaran Dosad	"
54.	Misbrilal Chamar	"
55.	Ambika Jadab	"
56.	Pulanalal Lala	"
57.	Sovi Mia	"

Sl. No.	Name	Designation
58.	Nageswar Chamar	Loader
59.	Mongru Chamar	"
60.	Sahadeb Chamar	"
61.	Sodafal Chamar	"
62.	Narayan Chamar	"
63.	Baliram Chamar	"
64.	Fulehand Chamar	"
65.	Hardeo Chamar	"
66.	Mithailal Chamar	"
67.	Kushabar Chamar	"
68.	Salgu Chamar	"
69.	Mohit Chamar	"
70.	Sagram Chamar	"
71.	Bikhari Chamar	"
72.	Lotan Chamar	"
73.	Ganpot Chamar	"
74.	Lohar Chamar	"
75.	Harlmongol Chatmar	"
76.	Mishri Chamar	"
77.	Kedu Kheda Chamar	"
78.	Bhulan Kahar	"
79.	Ramashroy Keori	"
80.	Ramadara Beldar	"
81.	Rampet Rajbhar	"
82.	Balla Rajbhar	"
83.	Muruli Harijan	"
84.	Sidhu Harijan	"
85.	Ramsakal Harijan	"
86.	Najrulla Mia	"
87.	Kaldeo Rajbhar	"

2. The management filed its statement of case on 17th March, 1972 while the union representing the workmen filed its statement of case on 28th October, 1972. The management asserts that the workmen whose names are given in the list attached to the Schedule to the order of reference are all loaders belonging to Group IV in Central Wage Board recommendations. As are recommendations of the said Central Wage Board loaders belonging to Group IV are not entitled to 2nd Class train fare nor the employer is liable to pay the same and as such the question of reducing the fare from 2nd class to 3rd class does not arise. The employer during the period from September 1969 to December, 1970 paid the concerned workmen 2nd class train fare due to mis-apprehension of facts and law and as soon as this was detected the loaders are not paid 2nd class train fare and the payment of 2nd class train fare has been stopped. Payment of train fare is not a condition of service and as such the question of any notice under Section 9A of the Industrial Disputes Act does not arise.

3. The workmen in its statement of case filed by the union assert that the workmen were getting 3rd Class train fare upto the year 1968. Thereafter the management started to give 2nd class train fare under the Wage Board recommendations. Such payment continued upto the year 1970. After 1970 the management suddenly reduced the train fare facilities of the loaders from 2nd class to 3rd class without giving any notice which is quite unjustified. The union approach the management to continue payment of the 2nd class train fare to the loaders of the underground whose basic wage exceeds Rs. 165/- per month but the management did not consider the same. The train fare is also in the service condition of the workmen. Without giving any notice under Section 9A of the Industrial Disputes Act changing the train fare from 2nd class to 3rd class is highly unjustified. The act of the management in reducing the train fare from 2nd class to 3rd class without notice and reason is highly unjustified, unfair and against natural justice. So the workmen demand that the management should continue to pay 2nd class train fare to the

underground loaders and pay arrears of train fare from the date of stoppage.

4. The dispute as referred to for adjudication is not an industrial dispute under Section 2(k) of the Industrial Disputes Act. Pages 70 and 71, Volume I of the Central Wage Board recommendations categorise 5 groups of workmen. Group IV basic wage Rs. 6/- per day, Full back wage Rs. 6/- per day. Loaders have been classified in Group IV for which the Wage Board recommended basic wage of Rs. 6/- per day exclusive of bonus, underground allowance and dearness allowance. At page 131, in paragraph 34 of the said recommendations it is stated, "As has been stated in the earlier chapter of this Report we are consolidating the wages of the workmen at index No. 166 which has increased the basic wages of the workmen substantially. Therefore, as a necessary consequence, we will have to make suitable adjustments in these salary slabs. We have carefully considered this matter and recommend as follows:

If the workmen's basic wage is Rs. 165 or less per month ... III class

If the workmen's basic wage is above Rs. 165 and upto 265 p.m. ... II class

If the workmen's basic wage is above 265 per month ... I class

35. Subject to the modifications recommended above the other conditions governing the grant of railway fare shall continue."

So, the Wage Board recommendations as in paragraph 34, page 131, Volume I are to be read with paragraph 36, page 70 and paragraph 38, page 71. The management implemented the Wage Board recommendations relating to grant of railway fare to loaders and miners, classified as Group IV by the Central Wage Board recommendations. They paid the workmen concerned 2nd class railway fare while implementing the Wage Board recommendations during the period from September 1969 to December, 1970. The management contends that due to mis-apprehension of fact and law the loaders, I mean group IV workmen whose basic wage is Rs. 6/- or fall back wage is Rs. 6/- per day for 26 working days and who cannot have their basic wage per month more than Rs. 156/- should have been considered as workmen whose basic wages are Rs. 165/- or less per month as in paragraph 34, page 131, Volume I of the Coal Wage Board recommendations and should have been given during the period from September 1969 to December 1970 3rd class railway fare but not 2nd class railway fare having regard to the recommendations of the Central Wage Board for Coal Mining Industry embodied in paragraph 36, page 70 and paragraph 34 page 131, Volume I of the recommendations. But the management through mis-apprehension of fact and law gave the workmen concerned 2nd class railway fare instead of 3rd class railway fare during the period aforesaid. When the management detected the error it stopped payment of 2nd class railway fare to the workmen concerned in the dispute as they are entitled to 3rd class railway fare in view of the recommendations of the Central Wage Board for Coal Mining Industry as embodied in paragraph 36 page 70 and paragraph 38 page 71 and paragraph 34 page 131 of Volume I of the recommendations but wrongly implemented by the management.

5. The workmen through the union assert that the workmen are entitled to 2nd class railway fare under the Coal Wage Board recommendations as the basic wage of loaders exceeded Rs. 165/- per month. Unless there were the recommendations of the Central Wage Board relating to grant of railway fare to workmen loaders and such recommendations had not been implemented by the management either rightly or wrongly, there can be no basis for the claim of the workmen concerned either for 3rd class railway fare or for 2nd class railway fare. The management implemented the recommendations of Coal Wage Board during the period from September 1969 to December 1970 and that according to the management was done upon misapprehension of law and facts that means the relative recommendations of the Coal Wage Board as already mentioned. The management detected its error and stopped paying 2nd class railway fare to the workmen concerned. The workmen concerned demand that in implementation of the recommendations of the Coal Wage Board that was implemented by the management, they were entitled in terms of

the recommendations not to 3rd class railway fare but to 2nd class railway fare. Under the implemented recommendations of the Coal Wage Board, the workmen are entitled to a benefit existing in their favour, such as railway fare. The management implemented the recommendations to the benefit of the workmen during the period from September, 1969 to December 1970 but suddenly withheld the benefit on the plea that on misapprehension of fact and law relating to the recommendations of the Coal Wage Board, the implementation of such recommendations by the management in favour of the workmen was not justified. The workmen assert that in terms of the Wage Board recommendations that have been implemented by the management before withdrawing the benefit as implemented, following the recommendations of the Wage Board, they are entitled, on a correct interpretation of the relevant recommendations of the Wage Board that had been implemented to the benefit of the workmen, but has now been withheld by the management, the workmen are entitled to 2nd class railway fare each. Therefore, the question will be what is the existing right to the benefit to which the workmen are entitled under the recommendations of the Wage Board that were implemented by the management for the period already mentioned in relation to their claim for railway fare. If by correct interpretation of the recommendations of the Wage Board it is found that the workmen concerned are entitled to 2nd class railway fare, from the time of stoppage of payment of such railway fare to the workmen till the date of the award, they should be provided with such benefit having regard to such of the workmen who had during the period from December, 1970 till now had actually performed the journey to their respective native places and back therefrom to the place of their work at the colliery. Therefore what is said to be a dispute referred to for adjudication purporting to be one under Section 2(k) of the Industrial Disputes Act is not an industrial dispute. The workmen are entitled to certain benefits on the implemented recommendations of the Wage Board. The management implemented the relevant recommendations to the benefit of the workmen but from January, 1971 the management upon their own interpretation of the relevant recommendations of the Coal Wage Board stopped the already implemented benefit to the disadvantage of the workmen concerned. Therefore, it is a case which clearly comes within the ambit of Section 33C(2) of the Industrial Disputes Act in view of the principles established by the decision in the case of Central Bank of India Ltd. and others vs. Rajagopalan (P.S.) and others, reported in 1963 II LLJ p. 89 (S.C.) and in the case of East India Coal Company Ltd. (by Chief Mining Engineer), Baraee Colliery, Dhanbad and Rameswar and others, reported in 1968 I LLJ p. 6 (S. C.). It has been laid down by their Lordships of the Supreme Court that dispute which is not an industrial dispute under Section 2(k) of the Industrial Disputes Act, an Industrial Tribunal would not acquire jurisdiction to entertain such an apparent dispute and to adjudicate upon such a dispute when such a dispute comes not within the scope of Section 2(k) of the I.D. Act but within the scope of Section 33C(2) of the Act.

6. Here is the case where the principles as laid down by the Supreme Court, quoted above, is aptly applicable. The workmen are entitled to the existing benefit under the recommendations of the Coal Wage Board which the management had implemented for certain period but withheld the benefit interpreting the relevant recommendations to the disadvantage of the workmen. The workmen complained that on lawful interpretation of the recommendations, they are entitled to the benefits existing under the recommendations of the Central Wage Board for Coal Mining Industry that were implemented by the management but were withheld after implementation for a certain period. Accordingly, the question will be what is the right to the existing benefit under the relevant recommendations of the Coal Wage Board and how the benefit is to be computed if it is computable in money value. The workmen are entitled either to 2nd class railway fare or to 3rd class railway fare under the recommendations of the Coal Wage Board on the basis of the relevant recommendation. Therefore, a Labour Court shall have to interpret the recommendations of the Coal Wage Board and to find out whether the implementation of the recommendations of the Coal Wage Board that was made by the management to the advantage of the workmen could have been withdrawn to the disadvantage of the workmen. Therefore, the whole question would rest on the lawful interpretation of the workmen's existing right to the

benefit of a particular class of railway fare, as embodied in the relevant recommendations of the Coal Wage Board, that had been implemented by the management to the benefit of the workmen concerned of which they have been subsequently deprived by the management upon its own interpretation of the relevant recommendations of the Wage Board.

7. So, the reference as constituted does not cover an industrial dispute within Sec. 2(k) of the Industrial Disputes Act but covers an "existing right to a benefit" within Section 33C(2) of the Industrial Disputes Act. Therefore, this tribunal has acquired no jurisdiction to entertain and to adjudicate upon the dispute. If the workmen are so advised, they may approach the Labour Court with proper application under Section 33C(2) of the Act. In the result the reference is rejected. This is my award.

Dated, January 18, 1973. S. N. BAGCHI, Presiding Officer.

New Delhi, the 5th February, 1973

S.O. 482.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of North East Salanpur Colliery, Post Office Samdi, District Burdwan and their workmen, which was received by the Central Government on the 1st February, 1973.

[No. L-19012/18/72-LRII.]

KARNAIL SINGH, Under Secy.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 23 of 1972

Parties : Employers in relation to the management of North East Salanpur Colliery,

AND

Their Workmen.

Present :

Sri S. N. Bagchi—Presiding Officer.

Appearance :

On behalf of Employers—Sri Monoj Kumar Mukherjee,

On behalf of Workmen—Absent.

State : West Bengal

Industry : Coal Mine

AWARD

By Order No. L/19012/18/72-LRII, dated 6th April, 1972, the Government of India, in the Ministry of Labour and Rehabilitation, Department of Labour and Employment, referred the following dispute existing between the employers in relation to the management of North East Salanpur Colliery and their workmen, to this tribunal, for adjudication, namely :

"Whether the action of the management of North East Salanpur Colliery, Post Office Samdi, District Burdwan, in dismissing from service Shri Charu Chandra Mahata, Mining Sirdar, with effect from the 4th December, 1971, is justified? If not, to what relief is the workman entitled?"

2. In response to notice issued by this tribunal both the parties submitted their respective statement of case. On 22nd December, 1972 which was the date for peremptory hearing of the case, the parties stated that they had arrived at a com-

promise and produced a memorandum of compromise and prayed for an award in terms of the said memorandum of compromise. As the letter of authority filed by the Union was not in conformity with Section 36(1)(a) read with Rule 36 and Form F, the tribunal fixed to-day i.e. 22-1-1973 for filing a proper authority. Sri Sunil Sen, Organising Secretary of the Union who was present on that day was duly informed of the matter and the date.

3. To-day when the case was called out, the employer is present through its learned Advocate but the workmen is absent. In view of the circumstances stated above, it is presumed that there is no dispute at present existing between the parties and as such a 'no dispute' award is rendered in the matter.

This is my award.

Dated, January 22, 1973. S. N. BAGCHI, Presiding Officer.

New Delhi, 5th February, 1973

S.O. 483.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Gazdhar Kajora Colliery of Messrs Gazdhar Kajora Coal Mines Limited, Post Office Kajoragram, District Burdwan and their workmen, which was received by the Central Government on the 1st February, 1973.

[No. L-19012/77/71-LRII.]

KARNAIL SINGH, Under Secy.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA.

Reference No. 6 of 1972

Parties :

Employers in relation to the management of Gazdhar Kajora Colliery of Messrs Gazdhar Kajora Coal Mines Limited,

AND

Their Workmen.

Present :

Sri S. N. Bagchi—Presiding Officer.

Appearances :

On behalf of Employers—Sri Nilmoni Goswami.

On behalf of Workmen—Sri B. S. Azad, General Secretary, Khan Shramik Congress.

State : West Bengal

Industry : Coal Mine.

AWARD

By Order No. L/1912/77/71-LRII, dated 29th January, 1972, the Government of India, in the Ministry of Labour and Rehabilitation, Department of Labour and Employment, referred the following dispute existing between the employers in relation to the management of Gazdhar Kajora Colliery of Messrs Gazdhar Kajora Coal Mines Limited and their workmen, to this tribunal, for adjudication, namely :

"Whether the action of the management of Gazdhar Kajora Colliery of Messrs Gazdhar Kajora Coal Mines Limited, Post Office Kajoragram, Burdwan, in stopping from work Shri Sunil Kumar Nandi, Mechanical Fitter Mazdoor, with effect from the 22nd October, 1970, by invoking the provisions of Standing Order 10(f) of the Certified Standing Orders of the establishment, is justified? If not, to what relief is the workman entitled?"

2. In response to the notice issued by this tribunal to the management and to the union, Khan Shramik Congress, the management's statement of case was accepted on 27-2-1972. The management asserted that the dispute referred to for adjudication was not an industrial dispute under Sec. 2(k) of the Industrial Disputes Act as the union espousing the cause of the workman had not lodged any charter of demand relating to the dispute referred to for adjudication before any authority of the management although the union raised the dispute referred to for adjudication straight off before the conciliatory authority.

3. The union espousing the cause of the workman filed its statement of case which was accepted on 28-10-72. In paragraph 4 of the statement of case the union made several statements relating to a dispute that had not been referred to for adjudication by this tribunal. In regard to the dispute referred to for adjudication, the union in its statement of case did not assert that the charter of demand relating to the dispute referred to for adjudication was laid by the union espousing the cause of the workman before the authority of the management and that after the authority of the management refused to concede to the demand of the workman raised on its behalf by the union, the union had approached with the demand relating to the dispute under reference before the conciliatory authority.

4. On 27-10-72 the management appeared through its officer while the union through its General Secretary. The written statement filed by the management was not duly verified. The gentleman who appeared on behalf of the management wanted to verify the written statement and he was allowed to do so. The case was adjourned for peremptory hearing to 20th December, 1972. On 28-10-72 the union espousing the cause of the workman filed the written statement showing cause of delay and it was, therefore, accepted. On 20-12-72 when the case was called on for hearing the General Secretary of the union Sri Azad filed an application for adjournment of the case as he was suffering from fever. The case was adjourned for hearing on 15-1-1973. On 15-1-1973 the management appeared through its officer and the union through its General Secretary Sri Azad. Besides calling for certain documents Shri Azad filed an additional written statement which was accepted. In that additional written statement in paragraph 3 it was stated, "After receiving the written statement from the employer, the union go through the written statement and submit that the workman approached before the management on 8-4-72 and the union approached before the management Gazdhar Kajora colliery on 17-4-71. Due to pressure of hard work the union neglected to indicate in his written statement. However the petitioner submitting that the union approached before the management so this reference is legal and according to law. The true copy of the union's letter dated 17.4.71 is enclosed as annexure D".

5. The employer filed a rejoinder to the additional written statement of the union. As the additional written statement was accepted so the rejoinder also. In the rejoinder vide paragraph 3 the management asserts. "The employer, however, emphatically deny that the union approached the management on 17-4-71 or on any other date as alleged therein. The employer further states that the copy of the union's letter purported to bear the date 17-4-71 is a fabricated and forged letter in as much as no such letter was received by the employer".

6. At the hearing, the only relevant point which is a preliminary point, was pressed by the management. The management's case is that before raising the dispute, referred to for adjudication, with the conciliation officer, the union espousing the cause of the workman had not lodged the charter of demand relating to the dispute under reference before any authority of the management. In the first written statement, as I have pointed out, the union made no statement relating to its lodging the demand relating to the dispute under reference before any authority of the management at any time. In the additional written statement, the union in paragraph 3 states that the union approached before the management Gazdhar Kajora Colliery on 17-4-71. Again in that paragraph it is stated, "however the petitioner submitting that the union approached before the management so this reference is legal and according to law". After those typed written words a hand-written sentence occur which reads as "A true copy of the union's letter dated

17-4-71 is enclosed as annexure D". The moot point for decision is whether the union espousing the cause of the workman served the letter dated 17-4-71 laying thereby the charter of demand relating to the dispute referred to for adjudication, before any authority of the management, espousing the cause of the workman concerned. So, evidence on this point was led by both the parties.

7. The burden of proving that on 17-4-71 the union had served a letter containing the charter of demand relating to the dispute referred to for adjudication on behalf of the workman before any authority of the management lies on the workman. For the workman, came witness no. 1 Shyamal Kahar, Organising Secretary of Khan Shramik Congress. That gentleman does not know English. He took a letter written in English with a signature thereon in English to the office of Gauzdar Kajora Colliery at Kajora. In the manager's office the manager was then absent. There was a babu in the office whose name the witness did not know. The witness handed over that letter meaning the letter written in English and signed in English to that babu who gave him a receipt which is dated 14-11-70 marked X for identification. The witness having no knowledge of English language and script could never be competent to prove a document written in English. So, the receipt was marked X for identification. From whom this receipt was obtained? The Organising Secretary of a union does not know to whom on earth he delivered the letter. The Organising Secretary is not a child nor I can consider him to be so naive that he would not ascertain the name of the person who would grant him a receipt on receiving a letter and signing the receipt with hieroglyphics and impressing the same with a rubber stamp impression reading "for Guzdar Kajora Coal Mines Ltd., Manager". The receipt marked X for identification relating to its written contents appearing in English language could not be proved by the witness as he admitted that he did not know English. Then the Union Secretary who was examining the witness asked the question, "You took a letter the copy of which is this?" The copy is wholly typed in English and signed by somebody in English. So, the question put by the Union Secretary to a person who is blind to English language regarding a letter appearing in English language with signature in English was found to be irrelevant. So, that copy could not be proved. Moreover, the letter being of the date 14-11-70 has no relevancy so far as the point now is under consideration. This witness stated, "I took a letter to the office of the Guzdar Kajora Colliery at Kajora on 17-4-71. At that time the Manager was not present in the office. I handed over the letter I took to a Babu who was in then the office. I do not know his name. The Babu took the letter, read it and put rubber stamp impression on this receipt and handed over the receipt to me. The witness does not know English, so the receipt which he claimed that he had got from a babu whose name he did not know could not be proved, so far as its contents are concerned, as the receipt appears wholly in English language with hieroglyphics of an initial of a babu and with a rubber stamp impression reading as "for Guzdar Kajora Coal Mines Ltd., Manager". So, the receipt was marked Y for identification. As the contents of the two receipts have not been proved according to law, this tribunal cannot look into the contents of the receipts marked X and Y for identification. Those are only two blank papers so far as this proceeding is concerned because the person who claimed to have had received the receipts from two Babus respectively whose names he did not know could not prove the contents of the receipt appearing wholly in English language nor could he prove the initials on the receipts appearing in hieroglyphics. So, by mere oral evidence as adduced by the witness, the union could not prove that any letter dated 17-4-71 was taken by any person to any authority of the management and was delivered to that authority of the management. The evidence in examination in chief of the witness Organising Secretary of Khan Shramik Congress, typed on the paper at my dictation, does not prove a whit of the fact that on 17-4-71 a letter was taken by the Organising Secretary of the union addressed to any authority of the management and was handed over to that authority of the management on 17-4-71. The witness was cross-examined. The witness proved himself to be blatant liar. He went to Guzdar Kajora Colliery's manager's office twice but he could not remember to which direction, whether East or West, North or South, the office room of the manager faces. The witness has got a Peon book. The witness is the Organising Secretary. Peon book is used when necessary and is not used when it is not necessary, as per the

witness. A peon book is maintained for entry of letter issued and delivered to addresses. There is no explanation why if the peon book is maintained by the union for the purpose as deposited to by the witness, the Organising Secretary did not take the letters entered in the peon book and did not get the signature with rubber stamp impression of the authority of the management to whom the witness claimed to have had delivered the letter in question. The witness was asked if he could identify the babus to whom he had delivered the letter on two occasions. He gave a very arrogant reply saying, "I have taken any photographs of the persons whom I have on both occasions delivered the letters concerned". The statements, so far reviewed, as made by the witness, clearly make him a blatant liar. He was found out in his further statement. He went to the office of the manager twice but he could not remember how many clerks were working on both the occasions in the office room of the Manager when he had taken the two letters mentioned. He did not enquire of the men to whom he delivered the letters as to what were their respective names and what was their respective official designations. He delivered the two letters on two occasions to two different babus. He did not take the first letter on 14-11-71. His entire evidence is false and false to the backbone. There is a very peculiar circumstance which makes the two receipts clearly false and fabricated. The two receipts marked X and Y for identification each bears a rubber stamp impression reading as "For Guzdar Kajora Coal Mines Ltd., Manager". Each letter of the said impression is very much clear and bold in type as appearing in the two rubber stamp impressions. The Manager of the colliery M. A. Ansari deposed. The manager said "the letters of the rubber stamp impressions on the documents marked X and Y for identification covering all the words combined make a bigger size in comparison with the size of the rubber stamp used in our documents and in the documents as appearing in the written statement filed in Reference case No. 121 of 1971". On 16-12-72 award was rendered in that reference case in which Guzdar Kajora Colliery figured as the management. Roughly by putting scale against the impression "for Guzdar Kajora Coal Mines Ltd., Manager" appearing in the written statement filed by the said colliery in Reference case No. 121 of 1971 and against the impressions "for Guzdar Kajora Coal Mines Ltd., Manager" as appearing in the two receipts marked X and Y for identification, it will appear that the impressions "for Guzdar Kajora Coal Mines Ltd., Manager" on the written statement measure 2.1" (one) inches whereas the impressions on the two documents marked X and Y for identification measure 2.3". Not only in naked eyes, but the difference in the measurements is detectable by measuring scale also. The manager further stated, "the rubber stamp impressions, reading "for Guzdar Kajora Coal Mines Ltd., Manager" in Reference case No. 121 of 1971 are smaller in linear alignment covering the words compared to the rubber stamp impression on the documents marked X and Y. This statement is verified to be correct. The witness further stated "our rubber stamp impressions on our documents filed in proceeding No. 121 of 1971 are in a seal which is being used still now, give blurred impressions due to constant use for a long time. But the rubber stamp impressions on the documents marked X and Y for identification are clear and do not suffer from any sign of constant use." These statements are found to be correct on verification. "The letter 'f' for the word 'for' in our rubber stamp impressions is not capital, whereas the letter 'f' for the word 'for' in the rubber stamp impressions in the documents marked X and Y for identification is in capital letter said the manager." This statement is found correct on verification. This witness gave out several other points, showing that the rubber stamp impressions, appearing on the documents marked X and Y for identification, could never be the rubber stamp impressions of the manager's seal that has been in use from before 1969 by the colliery concerned which was produced before the tribunal and marked 'Material Ext. M1'. I have seen the documents, the rubber stamp impressions and the seal containing the rubber stamp impression of the management. I find that the rubber stamp impressions, appearing on the documents marked X and Y for identification, cannot be of the seal of the same rubber stamp impression reading as "for Guzdar Kajora Coal Mines Ltd., Manager" as appearing in the documents, filed by the management either in the present proceeding, or in the proceeding of the reference case No. 121 of 1971. So, from this aspect the two receipts marked X and Y for identification are false and forged and the witness who came to prove the genuineness of the receipts marked X and Y for identification and the facts

relating to handing over of the letters to two different babus, deposed falsely on oath before this Tribunal. The point at issue which was required to be proved by cogent and unimpeachable evidence by the union could not be proved by the union. The General Secretary of the union who examined the witness was the author of the letter dated 17-4-71. He did not have the courage to board the witness box and to prove the copy of such letter which he attempted to prove through witness who was blind to English language and was not, therefore, competent to prove the so called copy of a so called letter, dated 17-4-71. The Manager of the Colliery who deposed on oath said that no such letter as deposed to by the Organising Secretary of the Khan Shramik Congress or as stated in the additional written statement had ever been served on any authority of the management at any time.

8. Accordingly, I find that before approaching the A.L.C., (Central), Raniganj, with the demand relating to the dispute referred to for adjudication by this tribunal the union espousing the cause of the workman had not lodged the charter of demand before any authority of the management either on 17-4-71 or on any earlier date. Therefore, the dispute referred to for adjudication is not an industrial dispute under Section 2(k) of the Industrial Disputes Act in view of the principles laid down in the cases of Raju's Cafe, Coimbatore & Ors. vs. Industrial Tribunal Coimbatore & Anr., 1951 ILLJ, p. 219 (Madras High Court), Sindhu Resettlement Corporation Ltd. and Industrial Tribunal, Gujarat & Ors., 1968 I LLJ p. 834 (Supreme Court) and Fedders Lloyd Corporation Private Ltd. and Lt. Governor, Delhi & Ors., F.L.R. 1970(20) p. 343 (Delhi High Court).

9. In the result, the dispute referred to for adjudication being not an industrial dispute, this tribunal has acquired no jurisdiction to entertain and adjudicate upon the dispute, and as such the reference is rejected.

This is my award.

S. N. BAGCHI, Presiding Officer.

Dated, 20th January, 1973.

New Delhi, the 5th February, 1973

S.O. 484.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Nag's Kajora Jambad Colliery, Post Office Ukhra, District Burdwan and their workmen, which was received by the Central Government on the 30th January, 1973.

[No. L-19012/101/71-LRII.]

KARNAIL SINGH, Under Secy.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 2 of 1972

Parties :

Employers in relation to the management of Nag's Kajora Jambad Colliery,

AND

Their Workmen.

Parties:

Sri S. N. Bagchi—Presiding Officer.

Appearance :

On behalf of Employers—Sri S. Nag, Finance Officer.

On behalf of Workmen—Sri B. S. Azad, General Secretary, Khan Shramik Congress.

State: West Bengal

Industry: Coal Mine.

AWARD

By Order No. L/19012/101/71-LRII, dated 29th December, 1971, the Government of India, in the Ministry of Labour, and Rehabilitation, Department of Labour and Employment, referred the following industrial dispute existing between the employers in relation to the management of Nag's Kajora Jambad Colliery and their workmen, to this tribunal, for adjudication, namely:

"Whether the action of the management of Nag's Kajora Jambad Colliery, P.O. Ukhra, Distt. Burdwan to stop Shri Mantu Mukherjee from working as Explosive Carrier at the Colliery with effect from the 14th July, 1971, is justified? If not, to what relief is the said workman entitled?"

2. Both sides are present. The parties have entered into a compromise over the dispute referred to for adjudication. The terms of the compromise are fair, just equitable and beneficial to the interest of the workmen. I, therefore, record the compromise, and as prayed for by the parties, an award is rendered in terms of the compromise petition which shall form part of the award.

Dated. January 24, 1973.

S. N. BAGCHI, Presiding Officer.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL

No. 20, British Indian Street, Calcutta-1

Reference No. 2 of 1972

Parties :

The Employers in relation to the management of Nag's Kajora Jambad Colliery, P.O. Ukhra, Distt. Burdwan,

AND

Their workmen represented by Khan Shramik Congress P.O. Ukhra, Distt. Burdwan.

The employers and workmen jointly beg to state most humbly that by mutual discussion they have decided to settle their dispute which is the subject matter of this reference amicably on the following terms:—

1. It is accepted by the workman that Sri Mantu Mukherjee had at times worked as a casual and/or temporary hand in the employers establishment.
2. As a gesture of goodwill it has been agreed that the management shall give regular employment to Sri Mantu Mukherjee with effect from 1-2-1973.
3. The workmen agree with the employer's contention that Sri Mantu Mukherjee had never worked as a permanent hand in the employer's establishment in the past and had worked at times as Badli and/or temporary hand.
4. That the worker will not be entitled to any other relief.

The parties, therefore, jointly pray that the Hon'ble Tribunal will be pleased to permit the parties to settle the matter under reference amicably on the above terms and pass an Award accordingly treating this petition as a part thereof and for this act of kindness your petitioners shall ever pray.

S. NAG,
Authorised representative &
Finance Manager.

B. SINGH AZAD, Gen. Secy.
Khan Shramik Congress,
P. O. Ukhra, (Burdwan).

Nag's Kajora Jambad Colliery,
P.O. Ukhra (Burdwan).
Dated:—

Witness	1.
Witness	2.

New Delhi, the 6th February, 1973

S.O. 485.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Arbitrator in the industrial dispute between the management of Messrs Jaipur Udyog Limited, Sawaimadhopur, and their workmen represented by the Cement Mines Karamchari Sangh, Post Office Phalodi Quarry, Samaimadhopur, which was received by the Central Government on the 2nd February, 1973.

[No. L-25012/2/72-LR.IV.]

S. S. SAHASRANAMAN, Under Secy.

ARBITRATION AWARD

(Under Section 10-A of the Industrial Disputes Act, 1947)

In the matter of an industrial dispute between the management of Phalodi Quarry of Messrs Jaipur Udyog Limited, Sawaimadhopur and their workmen represented by the Cement Mines Karamchari Sangh, Phalodi Quarry (District: Sawaimadhopur) over the demand for promotion of Shri Bahadurpal Singh, Time-Keeper, Phalodi Quarry of Messrs Jaipur Udyog Limited, Sawaimadhopur).

Present:

Shri A. S. Gupta, Assistant Labour Commissioner (Central), Kota.

ARBITRATOR

Appearance:

On behalf of Employers : Shri P. Kumar, Labour Officer, Messrs Jaipur Udyog Limited., P.O. Phalodi Quarry (District: Sawaimadhopur).

On behalf of Workman : 1. Shri Devilal Shandilya, General Secretary, Cement Mines Karamchari Sangh, P. O. Phalodi Quarry (District: Sawaimadhopur).
2. Shri Ram Kisnore Sharma, Law Secretary, Cement Mines Karamchari Sangh, P. O. Phalodi Quarry (District: Sawaimadhopur).

State: Rajasthan Industry: Non-Coal Mines (Limestone)

By an arbitration Agreement dated 27th May, 1972 published by the Government of India in the Gazette of India under its order No. L. 25012/2/72. LR. IV dated 24th June, 1972 the following industrial dispute between the employers in relation to the Phalodi Quarry of Messrs Jaipur Udyog Limited, Sawaimadhopur and their workmen was referred to my arbitration under Section 10A of the Industrial Disputes Act, 1947.

"Whether the demand of the Cement Mines Karamchari Sangh for the promotion of Shri Bahadurpal Singh, Time-Keeper, Phalodi Quarry as Assistant Head Time Keeper or Office Assistant in a suitable higher grade is justified? If so, to what relief is the workman entitled?"

2. The matter was taken up on various dates but before I could make my award the time limit expired. As such by another agreement dated 2-1-1973 the parties extended this time limit upto 31-1-1973.

3. The Union in its written statement dated 10-8-1972 has made the following submissions:—

(1) That Shri Bahadurpal Singh has been working as a permanent hand in the Phalodi Quarry since 25-7-1953.

- (2) That he has been continuously working in the time office since 1959 and before that also he worked intermittently in that office.
- (3) That he was the senior most Time-Keeper in the time office and during this long service there was no complaint against him regarding his work.
- (4) That at times he officiated as Head Time Keeper for which he was paid acting allowance.
- (5) That Shri Bahadurpal Singh was the only Clerk in 'A' grade in 1953.
- (6) That he was given two special increments in 1967 in recognition of his outstanding performance.
- (7) That in last 3-4 years the Company has created new posts of Office Assistants. Assistants etc and those posts were filled up by promotions and some posts of the Clerks and Time Keepers were also upgraded. But Shri Bahadurpal Singh's claim to these benefits was ignored in this process. The Company also promoted some employees, who were junior to Shri Bahadurpal Singh and who were working under him and who never officiated as Head Time Keeper and were also unsuitable in all other respects as compared to him.
- (8) That when Shri Bahadurpal Singh drew the attention of the management to the injustice done to him and requested for his due promotion, the Company in order to deprive him of his rightful claim tried to fill up the vacancy by transferring one Shri C. P. Shukla, Assistant from Sawaimadhopur Cement Works to the General Time Office and they are now harassing him by allotting relieving duties thereby causing him to work vice a most junior Time-Keeper.

The Union has branded this action of the management as highly impartial and devoid of social justice and on the basis of the above submissions it has sought relief as embodied in the terms of reference.

4. The contention of the management is contained in their written statement dated 25-9-1972. According to them promotion always depends upon the qualification, skill, experience and the past performance of the employee as also the vacancy position. Since all promotions were made by them keeping in view the above requirements, the concerned workman according to them has no cause of action. It has been further submitted on behalf of the management that contrary to the aforesaid view it would have been unjustified to promote an incompetent person ignoring the chances of meritorious employees. They have also stated that the case of the concerned workman cannot be compared with the cases of other employees as they were all working in a different department. The workman also did not submit any representation to the management regarding his grievance and his work was also not found to be satisfactory on several occasions for which he was issued charge sheets/warnings. He was also dismissed from service of the Company on 22-5-1954 for his proved misconduct but on tendering a written apology the order of dismissal was rescinded but his annual graded increment was withheld. He also indulged in an attempt to assault the Quarry Controller on 21-5-1956 and thus his service record according to them is not at all clean. The factual position was also denied by the management in that the workman was posted as Time Keeper in the General Time Office only after 1960 and that it is incorrect to say that he is the senior most Time-Keeper in the Time Office and that he was the only Clerk in 'A' grade in 1953. However, they have admitted that Shri Bahadurpal Singh has been working as a Clerk at Phalodi Quarry since 25-7-1953 and that he was given chance to work in place of Head Time Keeper in his absence but according to them his work was not found satisfactory during such periods. The posting of Shri C. P. Shukla in the General Time Office to fill up the vacancy over there has also not been denied by the management and the only explanations they have offered in this context are that as he was found surplus to the requirement of the previous departments he was transferred to the General Time Office to utilise his services more efficiently. In the end the management has added that at the quarry they do not have any post of Assistant Head Time Keeper at all. They also do not have

any vacant post of an Assistant. As such question of promoting Shri Bahadurpal Singh as Head Time Keeper or as an Office Assistant does not arise.

5. The information furnished by the management in their written statement that the above named workman was posted in the General Time Office to work as Time Keeper only after 1960 is not correct in view of their Office Order No. 75 dated 22-6-1959 which is reproduced below:—

1. Mr. Bahadurpal Singh, TK-cum-Clerk is transferred from Sada Kundrange to General Time Office.
2. Mr. Chandar Bhan Pd.—T.K.-cum-Clerk is transferred from General Time Office to Sada Kundrange.
3. Mr. Devilal Shandiyal Clerk is transferred from Labour Office to General Time Office in place of Mr. Chander Bhan Pd. T.K.-cum-Clerk.

This position was also confirmed during the cross examination of the workman. Whereas it is true that two more Clerks S/Shri Chandrabhan and Ram Kishore Sharma are senior to Shri Bahadurpal Singh but taking into consideration the fact that Shri Ram Kishore Sharma never worked as Time Keeper and Shri Chandra Bhan is not qualified to hold the post of Time Keeper because of his low standard of education (He is not even matriculate) Shri Bahadurpal Singh undoubtedly stands senior to all the clerks in the General Time Office at the quarry. The management is certainly within their right to promote only the meritorious persons but this right has to be exercised judiciously and not capriciously. Though there are serious allegations against the workman regarding his adverse performance the management could not produce any documentary evidence to prove their contention except a minor incident relating to wrong verification of leave account which culminated in the issue of a warning to the workman. On the contrary the Union produced copy of a testimonial dated 10-10-1956 from the Quarry Controller wherein his work was highly praised by the very same person on whom attempt of assault was reported to have been made by Shri Bahadurpal Singh on 21-5-1956. The contents of this testimonial are reproduced below:—

"This is to certify that Shri Bahadurpal Singh has worked under me as Quarry Supervisor and from 1-2-55 he was promoted as Clerk in the Accounts Deptt. Accountant for who he worked spoke good of him. He is obedient and pains taking. I wish him success. This testimonial is given to him at the eve of my retirement from the Company?"

6. The management has presumed that a man once becomes bad in their eyes would remain bad through out his life and perhaps under this notion they have sought to link the past happenings with the present day working. This method of drawing inference regarding one's conduct is not at all convincing for attitude of a man changes with the passage of time and this has also come to be true in the case of Shri Bahadurpal Singh as he was found worthy of a praise in 1967 which also fetched him two special increments. Not only this he was also found suitable for the acting job of Head Time Keeper which is a senior position in the Phalodi Quarry as Head Time Keeper often represents the management in the industrial disputes and other matters before the various authorities. So the version of the management regarding adverse performance of this workman appears to be some what contradictory.

7. Another reason to deny promotion to the workman is non-availability of a vacancy in the General Time Office. This seems to me only a lame excuse as the workman can be provided higher job elsewhere or he can be promoted in his parent department by re-transferring Shri C. P. Shukla or by making any other adjustment. But certainly this reason cannot provide a camouflage to the wrongful action of the management. I have also noted in this context that creation of high grade posts and recruitment of persons against these posts is not based on any scientific study but it all depends upon the whims and fancies of the employer and I have come to this conclusion after studying the case of one Shri Ashok Kothari who of late was appointed direct as Assistant in grade VI. The said Ashok Kothari also does not possess any outstanding qualifications.

8. Since good conscience, equity and fair play demand that the workman should get his due promotion, I feel the management is not at all justified in withholding promotion of Shri Bahadurpal Singh in the aforesaid circumstances. Consequently I answer the reference in favour of the workman by holding that the demand of the Cement Mines Karimachari Sangh for the promotion of Shri Bahadurpal Singh, Time Keeper, Phalodi Quarry as an Office Assistant in a higher grade is justified. Accordingly he should be promoted as an Office Assistant in the next higher grade from 25-1-1971, the date on which the instant dispute was first raised by the Union before the management and all arrears accruing on this score paid to the workman.

9. This is my award and it should be implemented within 30 days from the date of its publication in the official Gazette.

A. S. GUPTA,
Assistant Labour Commissioner (Central), Kota
and Arbitrator.

Kota,
Dated the 29th January, 1973

नई दिल्ली, 31 जनवरी, 1973

का. आ. 486.—यतः केन्द्रीय सरकार ने, यह समाधान है जाने पर कि लोक वित्त में ऐसा अपेक्षित है, ऑफ्सेंगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (३) के उपखण्ड (६) के उपबन्धों के अनुसरण में, भारत सरकार के श्रम और पूर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का. आ. 3110 तारीख 8 अगस्त, 1972 द्वारा पाइराइट्स खनन उद्योग में सेवा के उक्त अधिनियम के प्रयोजनों के लिए 22 अगस्त, 1972 से छ: मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था,

और यतः केन्द्रीय सरकार की राज है कि लोक वित्त में उक्त कालावधि का 6 मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है।

अतः, अब, ऑफ्सेंगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (३) के उपखण्ड (६) के परन्तु द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एलेक्स्प्रारा उक्त सेवा को उक्त अधिनियम के प्रयोजनों के लिए 22 फरवरी, 1973 से ८ मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[F. No. संख्या 11025/2/73-ए.आर. 1]

एस. एस. सहस्रनामन, अवर सचिव

New Delhi, the 31st January, 1973

S.O. 486.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947) declared by the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 3110 dated 8th August, 1972 service in the pyrites mining industry, to be a public utility service for the purposes of the said Act, for a period of six months from the 22nd August, 1972.

And whereas the Central Government is of opinion that public interest requires extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said service to be a public utility service for the purposes of the said Act for a further period of six months from the 22nd February, 1973.

[F. No. S. 11025/2/73-LRI]

New Delhi, the 1st February, 1973

S.O. 487.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Messrs. K. G. Khanna and Sons, Messrs. Kisan Miners and Messrs. R. N. Tandon and Sons, Contractors, Ispat Lime Stone Quarries of Rourkela Steel Project of Hindustan Steel Limited, Babupur, Satna and their workmen, which was received by the Central Government on the 27th January, 1973.

[No. L-29011/2/72-LR.IV]

S. S. SAHASRANAMAN, Under Secy.

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, JABALPUR
CAMP AT ALLAHABAD
Date the January 5, 1973

Present :

Mr. Justice S. N. Katju—Presiding Officer.

Case Ref. No. CGIT/LC(R)(8)/72

(Notification No. L-29011/2/72-LR-IV, dated 4-3-1972)

Parties :

Employers in relation to the management of M/s. K. G. Khanna and Sons, Messrs. Kisan Miners and Messrs. R. N. Tandon and Sons, Contractors, Ispat Lime Stone Quarries of Rourkela Steel Project of Hindustan Steel Limited, Babupur, Satna and their workmen represented through the Rourkela Project Mazdoor Union, Babupur Satna.

Appearances :

For Employers—S/Shri P. S. Nair, Advocate and O. P. Namdeo, Advocate.

For workmen—Shri A. K. Pande, General Secretary of the Union.

Industry: Limestone Mine.

District: Satna (M.P.).

AWARD

This is a reference under Sec. 10 of the Industrial Disputes Act, 1947. The dispute in question was raised on behalf of the workmen of M/s. K. G. Khanna and Sons, M/s. Kisan Miners and M/s. R. N. Tandon & Sons. The latter three concerns are Contractors of the Ispat Lime Stone Quarries of Rourkela Steel Project of the Hindustan Steel Ltd. Babupur, Satna. The dispute on behalf of the workmen was raised by the General Secretary, Rourkela Project Mazdoor Union, Babupur, Satna, M.P.

The question which has been referred to this Tribunal is:—

"Whether the demand of the workmen for payment of variable Dearness Allowance to the piece-rated workers by the managements of Messrs. K. G. Khanna and Sons, Messrs. Kisan Miners and Messrs. R. N. Tandon and Sons, Contractors, Ispat Lime Stone Quarries, Babupur, Satna with effect from the 1st May, 1970 as per the recommendations of the Central Wage Board for Limestone and Dolomite Mining Industry is justified? If so, to what relief are the workmen entitled?"

The parties have entered into a mutual settlement of the dispute in form H and an application saying that a settlement has been arrived at between the parties has been duly presented before me. It is signed by the representative of the employers as also of the representative of the workmen.

The management has agreed to pay wages to the workmen including payment of the Variable Dearness Allowance in full as specified in the aforesaid settlement which has been accepted by the workmen in full settlement of their demand regarding the Variable Dearness Allowance. The aforesaid copy of the settlement in Form H has been duly verified before me. The terms of the settlement are fair and reasonable. I make my award in terms of the aforesaid settlement between the parties which shall form part of the award.

S. N. KATJU, Presiding Officer.

ANNEXURE

FORM 'H'

Name of Parties :

Representing Employees:—

1. Sri Yogendra Singh, Partner Kisan Miners, Raising Contractor, Ispat Lime Stone Quarry, Satna.
2. Sri Vinod Khanna, Partner M/s. K. K. Khanna & Sons, Raising Contractors, Ispat Lime Stone Quarry Satna.
3. Sri Nigam, For R. N. Tandon & Sons, Satna.

Representing Workmen:—

Sri Avanish Kumar Pandey, General Secretary, Rourkela Project Mazdoor Union, Satna.

Short Recital of the case :

The Central Government has made the following reference to the Central Government Industrial Tribunal, Jabalpur.

SCHEDULE

"Whether the demand of the workmen for payment of variable Dearness Allowance to the piece-rated workers by the Management of Messrs. K. G. Khanna and Sons, Messrs. Kisan Miners and Messrs. R. N. Tandon & Sons, Contractors Ispat Lime Stone Quarries, Babupur, Satna, with effect from 1st May, 1970, as per the recommendations of the Central Wage Board for Lime Stone and Dolomite Mining Industry is justified? If so, to what relief are the workmen entitled?"

The parties have discussed the dispute and have decided to settle the matter. The Central Wage Board for Lime Stone and Dolomite recommendations are silent regarding specific terms regarding V.D.A. to the piece-rated workers. The Wage Board has stated in its recommendations that it is not possible to prescribe the piece-rate in such a way as to present no difficulty in their practice application and the Wage Board has therefore left to the parties concerned to mutually negotiate and arrive at a satisfactory agreement.

The very basis of the system makes it difficult to lay down exact details with precision. The piece-rated workers in the area are not very regular in their attendance or working hours. The matter was the subject matter of settlement between the parties at various times and industrial peace has been maintained because of the said settlements.

The parties therefore in the interest of industrial peace and harmony and reasonable wages for the workers have settled the dispute on the following terms:—

The Management shall pay the following rate of wages to the workmen. This rate of wages include payment of V.D.A. in full as per the recommendations of the Wage Board to the piece-rated workers and the claim of the workmen for V.D.A. stands fully settled by this settlement:

Period	Details	Rate
1-5-70 to 30-4-72	SMS Size Stone (80-100mm)	Rs. 12.75 per 100 Cft
30-4-72	Reject Stone (unsized)	Rs. 6.75
	Earth Cutting	Rs. 5.50
1-5-72 to 30-4-73	SMS Size Stone (80-100mm)	Rs. 13.50
30-4-73	Reject Stone (unsized)	Rs. 7.00
	Earth cutting	Rs. 5.75

All the workmen concerned have accepted the above rate of wages in full settlement of their demands regarding V.D.A. and they are fully satisfied with the above settlement.

The above rates are fair and reasonable to the workers and to their advantage.

Representing Employers:

Representing Workers:
Avanish Kumar Pandey,
General Secretary,
Rourkela Project, Mazdoor
Union, Babupur Satna, M.P.

1.

2.

3.

Witnesses :

1.

2.

3.

Dated 28-11-1972.

Copy to :—

1. Asstt. Labour Commissioner (Central), Jabalpur.
2. The R.L.C. (Central), Jabalpur.
3. The C.L.C. (Central), New Delhi.
4. The Secretary to the Govt. of India, Ministry of Labour & Employment, New Delhi

True Copy

Sd/- P. S. Nair
Verified before me

Sd/- S. N. Katju,
Presiding Officer.

5.1.1973

On behalf of
Sri P. S. Nair.

Sd/- Avanish Kumar Pandey.
General Secretary,

Sd/- O. P. Namdeo, Advocate. Rourkela Project Mazdoor
for Shri P. S. Nair, Union, Babupur, Satna.
Representative of the management.

5-1-1973.

PART OF AWARD
Sd/- S. N. Katju
Presiding Officer
5-1-1973

नई दिल्ली, ५ फरवरी, १९७३

आ वेश

का० प्रा० 488.—यतः छावनी बोर्ड, बरेली से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, जिनका प्रतिनिधित्व छावनी अभिक यूनियन बरेली करती है, एक ग्रौषोगिक विवाद विद्यमान है;

और यतः उक्त नियोजकों और कर्मकारों ने ग्रौषोगिक विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (1) के उपबन्धों के अनुसरण में एक लिखित करार द्वारा उक्त विवाद को उसमें वर्णित व्यक्ति के माध्यस्थम् के लिए निर्वैशित करने का करार कर लिया है और उक्त माध्यस्थम् करार की एक प्रति केन्द्रीय सरकार को भेजी गई है;

यतः यव, उक्त प्रधिनियम, की धारा 10-क की उपधारा (3) के अनुसरण में, केन्द्रीय सरकार उक्त माध्यस्थम् करार को, जो उसे 20 जनवरी, 1973 को मिला था, एतद्वारा प्रकाशित करती है।

करार

(ग्रौषोगिक विवाद प्रधिनियम 1947 की धारा 10-क के अधीन)
के बीच

पक्षकारों के नामः (1) श्री श्री० एल० धर्मन, छावनी कार्यकारी प्रधिकारी छावनी बोर्ड, बरेली छावनी।

नियोजकों का प्रतिनिधित्व करने वाले : (2) श्री श्री० एम० कपूर, प्रधान लिपिक, छावनी बोर्ड, बरेली छावनी।

कर्मकारों का प्रतिनिधित्व करने वाले : (1) श्री मोहम्मद फरीद, अध्यक्ष, छावनी अभिक यूनियन, बरेली छावनी।

(2) श्री प्यारे लाल, उपाध्यक्ष, छावनी अभिक यूनियन, बरेली छावनी।

पक्षकारों के बीच एतद्वारा निम्नलिखित ग्रौषोगिक विवाद को श्री पी० सी० राय उपमुख्य अमायुक्त (केन्द्रीय), नई दिल्ली के माध्यस्थम् के लिए निर्वैशित करने का करार किया गया है।

(i) विनिर्विष्ट विवाद अस्त विषय क्या छावनी बोर्ड बरेली छावनी के प्रबन्ध-संव विनिर्विष्ट II महत्वों/महत्वरातियों को 20-5-1972 से सेवा-निवृत्त करने की कार्रवाई न्यायोचित थी? यदि नहीं, तो प्रभावित हुए कर्मकार किस अनुतोष के हक्कार हैं:—

नामः—

1. श्री इत्वारी आरम्भ श्री गिराई
2. श्री चिरोजी आरम्भ श्री बाबू
3. श्री गोविन्द आरम्भ श्री फुल चन्द
4. श्री बाबू आरम्भ श्री सुखी
5. श्री रामा आरम्भ श्री चिद्मु
6. श्री पुरेय आरम्भ श्री गिराई
7. श्रीमती बुलारी पत्नी श्री छोटे
8. श्री श्यामलाल आरम्भ श्री कालू
9. श्री स्नकु आरम्भ श्री खामानी
10. श्रीमती रामपा पत्नी श्री सुझी, ग्रीर
11. श्रीमती चंगिया पत्नी श्री केबल

(ii) विवाद के पक्षकारों का विवरण छावनी बोर्ड, बरेली छावनी का जिसमें अन्तर्वर्णित स्थापन का प्रबन्ध-संव उपकरण का नाम और पता भी सम्मिलित है।

(iii) यव कर्मकार स्वयं विवाद में अध्यक्ष, छावनी अभिक यूनियन, अन्तर्गत है तो उसका नाम बरेली छावनी। अध्यक्षा यव कोई संघ प्रश्नगत कर्मकार अध्यक्षा कर्मकारों का प्रतिनिधित्व करता हो, तो उसका नाम।

(iv) प्रभावित उपकरण में नियोजित लगभग 330 कर्मकारों की कुल संख्या।

(v) विवाद द्वारा प्रभावित या घ्यारह कर्मचारी जैसा कि उपर संभाव्यतः प्रभावित होने वाले उल्लेख किया गया है। कर्मकारों की प्राक्कलित सेष्या।

हम यह भी करार करते हैं कि मध्यस्थ का विनिष्चय हम पर मानवध कर होगा।

मध्यस्थ अपना पंचाट वो मास की कालावधि या इतने और समय के भीतर जो हमारे बीच पारस्परिक लिखित करार द्वारा बढ़ाया जाय देणा।

मर्कारों का प्रतिनिधित्व करने वाले नियोजकों का प्रतिनिधित्व करने वाले
 1. ह०/- मोहम्मद फरीद, श्राध्याथ, 1. ह०/-आर० एल० धवन, छावनी
 छावनी श्रमिक यूनियन, बरेली कार्यकारी अधिकारी, छावनी बोर्ड,
 छावनी। 2. ह०/- आर० एम० कपूर, प्रधान लिपिक,
 श्रमिक यूनियन, बरेली छावनी। छावनी बोर्ड, बरेली छावनी।

मासी :—

1. ह०/- जै० पी० चंद्रा, सहायक
 अमायुक्त (केन्द्रीय), बरेली।
2. ह०/-सूरज प्रकाश, अम प्रबन्धन
 अधिकारी (केन्द्रीय), बरेली।

मध्यस्थ की लिखित स्वीकृति
 माध्यस्थम्, स्वीकार किया।

ह० पी० सी० राय उप मुख्य अमा-
 युक्त (केन्द्रीय), नई दिल्ली-१
 टेलीफोन : 383807

[फा० संश्या एल/13011/1/73-एल० आर०-१]

New Delhi, the 5th February, 1973

ORDER

S.O. 488.—Whereas an industrial dispute exists between the employers in relation to Cantonment Board, Bareilly and its workmen represented by the Cantonment Labour Union, Bareilly;

And Whereas the said employers and workmen have, by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration by the person specified therein, and a copy of the said arbitration agreement has been forwarded to Central Government;

Now, therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said arbitration agreement which was received by it on the 20th January, 1973.

AGREEMENT

(Under Section 10A of the Industrial Disputes Act, 1947)

BETWEEN

Name of the Parties :

Representing employers.

- (1) Shri B.L. Dhawan, Cantonment Executive Officer, Cantonment Board, Bareilly Cantonment.
- (2) Shri B.M. Kapoor, Head Clerk, Cantonment Board, Bareilly Cantonment.

Representing the workmen

- (1) Shri Mohd. Farid, President, Cantonment Labour Union, Bareilly Cantonment.
- (2) Shri Pyare Lal, Vice President, Cantonment Labour Union, Bareilly Cantonment.

It is hereby agreed between the parties to refer the following dispute to the arbitration of Shri P.C. Rai, Deputy Chief Labour Commissioner (Central), New Delhi.

(i) Specific matters in dispute. Whether the action of the management of Cantonment Board, Bareilly Cantonment in retiring the following eleven sweepers/sweepresses with effect from 20-5-1972 was justified ? If not, to what relief the affected workmen are entitled to ?

Names :

1. Shri Itwari S/o Shri Gidai,
2. Shri Chirojee S/o Shri Babu,
3. Shri Govind S/o Shri Phool Chand,
4. Shri Baboo S/o Shri Sukhi,
5. Shri Rama S/o Shri Chiddu,
6. Shri Pussey S/o Shri Gidai,
7. Shrimati Dulari W/o Shri Chotty,
8. Shri Shyam Lal S/o Shri Kalloo,
9. Shri Jhanku S/o Shri Khamani,
10. Smt. Rampa W/o Shri Sukhi, and
11. Smt. Changia W/o Shri Kewal.

(ii) Details of the parties to Management of the Cantonment Board, Bareilly Cantonment. names and address of the establishment or undertaking involved :—

(iii) Name of the workman President, Cantonment Labour Union, Bareilly Cantonment. in case he himself is involved in the dispute or the name of the Union, if any, representing the workman or workmen in question.

(iv) Total number of workmen employed in the About 330. undertaking affected.

(v) Estimated number of Eleven employees as mentioned above. workmen affected or likely to be affected by the dispute :—

We further agree that the decision of the arbitrator shall be binding on us.

The arbitrator shall make his award within a period of 2 months or within such further time as is extended by mutual agreement between us in writing.

Representing workmen. Representing employers.

- | | |
|---|--|
| 1. Sd/- Mohd. Farid, President, Cantonment Labour Union, Bareilly Cantonment. | Sd/- R.L. Dhawan, Cantonment Executive Officer, Cantonment Board, Bareilly Cantonment. |
| 2 Sd/- Pyare Lal, Vice President, Cantonment Labour Union, Bareilly Cantonment. | Sd/- B.M. Kapoor, Head Clerk, Cantonment Board, Bareilly Cantonment. |

Witnesses :—

- (1) Sd/- J.P. Chandra, Asstt. Labour Commissioner (Central), Bareilly.
- (2) Sd/- Suraj Prakash, Labour Enforcement Officer (Central), Bareilly.

WRITTEN CONSENT OF THE ARBITRATOR

Arbitration accepted.

Sd/- P.C. Rai

Deputy Chief Labour Commissioner (Central),
 New Delhi-1
 Tele : 383807.

नई दिल्ली, 5 फरवरी, 1973

का आ. 489.—यतः भारत सरकार के श्रम और पूनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संलग्न का, आ. 2410 तारीख 21 अगस्त, 1972 इवारा केन्द्रीय सरकार ने लौहा अथवा खनन उद्योग की आँद्योगिक विवाद अधिनियम, 1947 (1947 का 14) के प्रयोजनों के लिए 4 सितम्बर, 1972 से छः मास की कालावधि के लिए लौक उपयोगी सेवा घोषित किया था।

और यह यतः केन्द्रीय सरकार की राय है कि उक्त कालावधि का और आगे छः मास की कालावधि के लिए बढ़ाया जाना लोकहृत में अपेक्षित है।

अतः, अब, आँद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (३) के उपखण्ड (६) के पसन्तुक इवारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवं उक्त अधिनियम के प्रयोजनों के लिए 4 मार्च 1973 से और आगे छः मास की कालावधि के लिए लौक उपयोगी सेवा घोषित करती है।

[सं. एस-11025/3/73-एन.आर.1]

एस. एस. सहस्रनामन, अवर सचिव

New Delhi, the 5th February, 1973

S.O. 489.—Whereas by the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 2410 dated the 21st August, 1972, the Central Government had declared the iron ore mining industry to be a public utility service for the purpose of the Industrial Disputes Act, 1947 (14 of 1947) for a period of six months from the 4th September, 1972;

And whereas the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a further period of six months from the 4th March, 1973.

[F. No. S. 11025/3/73-LR.I]

New Delhi, 6th February, 1973

S.O. 490.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Arbitrator in the industrial dispute between the management of Messrs Jaipur Udyog Limited, Sawaimadhopur, and their workmen represented by the Cement Mines Karamchari Sangh, Post Office Phalodi Quarry, District Sawaimadhopur, which was received by the Central Government on the 2nd February, 1973.

[No. L/25012/3/72-LR. IV]

S. S. SAHASRANAMAN, Under Secy.

ARBITRATION AWARD

(Under section 10-A of the Industrial Disputes Act, 1947)

(In the matter of an industrial dispute between the management of Phalodi Quarry of Messrs Jaipur Udyog Limited, Sawaimadhopur and their workmen represented by Cement Mines Karamchari Sangh, Phalodi Quarry (District: Sawaimadhopur) over alleged non-grant of grade and post of Dispensary Incharge to Shri B. L. Mishra, Compounder, Phalodi Quarry).

Present :

Shri A. S. Gupta, Assistant Labour Commissioner (Central), Kota.

ARBITRATOR

Appearances :

On behalf of Employers : Shri P. Kumar, Labour Officer, Messrs Jaipur Udyog Limited., P. O. Phalodi Quarry (District : Sawaimadhopur).

On behalf of workman : 1. Shri Devilal Shandilya, General Secretary, Cement Mines Karamchari Sangh, P. O. Phalodi Quarry (District : Sawaimadhopur).

2. Shri Ram Kishore Sharma, Law Secretary, Cement Mines Karamchari Sangh, (District : Sawaimadhopur).

State : Rajasthan

Industry : Non-coal Mines (Limestone)

By an Arbitration Agreement dated 27th May, 1972 published by the Government of India in the Gazette of India under its order No. L. 25012(3)/72-LR. IV dated 30th June, 1972 the following industrial dispute between the employers in relation to the Phalodi Quarry of M/s Jaipur Udyog Limited, Sawaimadhopur and their workmen was referred to my arbitration under Section 10A of the Industrial Disputes Act, 1947.

“Whether the demand of the Cement Mines Karamchari Sangh for providing grade and post of Dispensary I/C to Shri B. L. Mishra, Compounder, Phalodi Quarries is justified? If so, to what relief is the workman entitled?”

2. The matter was taken up on various dates but before I could make my award the time limit expired. As such by another agreement dated 2-1-1973 the parties extended this time limit upto 31-1-1973.

3. The Union in its written statement dated 24-9-1972 has made the following submissions:—

(1) That Shri Basantilal Mishra was appointed on 22-7-1959 as a Compounder in the Phalodi Quarry of M/s Jaipur Udyog Limited;

(2) That he is a qualified and efficient hand and during this long service there was no complaint against him and all the higher authorities remained pleased with him;

(3) That the Dispensary located at the Phalodi Quarry was run by a qualified Doctor designated as Medical Officer;

(4) That after November, 1966 no Medical Officer was appointed by the Company and the post remained vacant for 3 years;

(5) That the company entrusted the work of running the Dispensary to Shri Basantilal Mishra in the absence of the Medical Officer looking to his qualification and efficiency and he was also relieved of the ordinary duties of a Compounder and given work of a general nature like that of a Medical Officer;

(6) That as Shri Mishra did not possess the degree in medicine the company started addressing him as Dispensary Incharge in the absence of the Medical Officer to fulfil all legal obligations;

(7) That after working continuously like this for about one year when Shri Mishra requested the company to give him the higher grade as also the designation of the Dispensary Incharge he was assured of the re-dressal of his grievance and in the meantime the

Company continued addressing him as a Dispensary Incharge.

- (8) That some of the documents produced in this context would reveal that the work of Shri Mishra was not that of an ordinary compounder,
- (9) That the company also paid allowance temporarily to Shri Mishra for his above performance.
- (10) That when Shri Mishra pressed his claim the company started harassing him in order to suppress his rightful claim.

The Union has branded this action of the management as highly improper and according to them it also contravenes the provisions of the Company's Certified Standing Orders which *inter alia* provides that any one who performs continuously six months service in a higher post he should automatically be given that job. Thus according to the Union the workman has rightfully sought relief as embodied in the terms of reference.

4. The contention of the management is contained in their written statement dated 18-10-1972. According to them, the dispensary at the quarry is always run by a qualified (M.B.B.S.) Medical Officer excepting the intervening period when one Medical Officer left and it took time to appoint a suitable incumbent. Commenting on the arrangements made during the said intervening period the management has said that they thought it proper to post one Compounder temporarily in the General Shift so long there was no Medical Officer so that papers sent to the Dispensary could be properly attended and the record also maintained properly in the supervision of one man who might look after it with a sense of responsibility. It has been further submitted on behalf of the management that Medical Officer alone is the Incharge of the Dispensary and all papers are addressed to him and since Shri Mishra was asked to look after the papers and records of the Dispensary in the absence of a Medical Officer which fact has also been accepted by the Union all papers of the Dispensary were addressed to him. As such according to them Medical Officer and Dispensary Incharge are not two separate entities. The management has further pointed out that it has been the practice to address all communications to the Incharge of the Dispensary who was the Medical Officer and the same practice continued even during his temporary absence and Shri Mishra, as he was expected to attend to these communications, was paid an extra allowance for attending to this work. The management has denied that the workman had even approached them for the enhancement of his designation and scale of pay. On the contrary the workman continued to describe him as a Compounder in his various applications and he also did not raise any objection when he was granted two special increments as a Compounder with effect from 1-4-1968 *vide* the management's Office Order dated 19-10-1968. Whereas the management has admitted the date of appointment of the workman as correct they have not accepted that Shri Mishra has got absolutely a clean record of service as he was warned twice for his proved mis-conduct *vide* Memos. No. PQ/B/1203 dated 25/26-9-61 and No. PQ/567 dated 15-3-1971. The management has also denied the allegation of harassment and in this context they have stated that the representations which were received from the workman only spoke of his grievance regarding non-payment of Acting allowance. In the end they have concluded that it is per se unthinkable that a Compounder be made an Incharge of the Dispensary meant for thousands of people.

5. Now the points for consideration in this controversy are whether the workman performed duties of a Dispensary Incharge during the intervening period which lasted for about 3 years and whether in view of his above performance is he entitled to be re-designated as Dispensary Incharge in a suitable higher grade.

6. The management has admitted that in the absence of the Medical Officer the workman actually performed duties of a Dispensary Incharge for which he was also paid a special allowance (@ Rs. 50/- per month) and this fact also cannot be denied from the circumstantial as well as documentary evidence adduced before me. So there is no dispute so far as point No. 1 is concerned. The other point is definitely of immense importance from the point of view of the workman as he wants due compensation in recognition

of his hard and valuable work. No doubt there are stray instances regarding his adverse performance of work but they are negligible in view of his overall performance. This position has been accepted after going through a number of testimonials produced by the Union in support of its contention. The contents of these testimonials are re-produced below:—

— I —

Shri B. L. Mishra
Compounder

Dated 16-12-69.

I thank you sincerely for your whole hearted co-operation, able assistance and unremitting efforts in controlling the situation arising from the recent threat of illegal strike and in maintaining the morale of the staff and workers at a high level.

Chief Executive (W) has also sent his personal appreciation and thanks to all the Officers, Staff and workers in the Quarries who have contributed by their efforts to maintain not only normal production but also peace and order during the difficult period.

P. K. JAIN, Agent, Phalodi Quarry
Dated 13-10-71.

— II —

TO WHOM IT MAY CONCERN

This is to certify that Shri B. L. Mishra, is working under me as a Compounder for the last nine months. His knowledge of medicines, dispensing, surgical work and clinical assessment of patients, has highly impressed me. I have also found him an obedient and good natured person. He has been attending all emergencies and treating them correctly. He has proved to me a very good assistance.

I wish him all success in life.

C. K. KATHIL, Medical Officer,
Phalodi Quarry.

— III —

Dated. 22-10-71

TO WHOM IT MAY CONCERN

I feel pleasure in certifying that Shri B. L. Mishra working as Compounder in our Dispensary is personally known to me for the last about five years. He has had been running the dispensary independently as and when the occasion demanded and gave no cause of complaint in regard to his work and conduct. His attainments in both surgical & medical sides are on the highest order.

I wish him success in life.

S. N. MITRA, Manager 1st Class,
Phalodi Quarry.

So Shri B. L. Mishra undoubtedly is an efficient hand. Further, I have observed that he is the only qualified Compounder in the Phalodi Quarry Dispensary as being a matriculate he has also passed the final examination of Trained Compounders and Dressers held by the State Medical Faculty of Uttar Pradesh in 1957. He is also a registered Pharmacist under Clause (c) of Section 31 of the Pharmacy Act 1948 and Rule 5(1) of the Rajasthan Pharmacists' Registration Tribunal. As such by virtue of his qualifications and long experience during which he also manned independently and successfully a large Dispensary at the Phalodi Quarry I do not find any reason as to why he is not capable of holding the post of Dispensary Incharge. The management it seems has considered the term 'Dispensary Incharge' in a narrow sense as it is always not necessary that a Medical Officer alone should remain Incharge of a Dispensary. Instances are not lacking particularly in the State Government where at the smaller places the Dispensaries are manned by the Compounders and the Medical Officers only pay occasional visits to attend to emergent cases. Even at Bajarakho Lime Stone Quarry under the very same management this practice is being followed. Further, in a large dispensary there is no bar if a Dispensary Incharge is posted under a Medical Officer and as a matter of fact such a posting is all the more necessary to cover up the emergencies arising out of non-availability of a

Medical Officer due to his proceeding on leave or resigning the job. As such I feel Shri B. L. Mishra is fully entitled to be posted as a Dispensary Incharge in a next higher grade. I may however suggest that the management need not create an extra post in the Dispensary but they can re-organise the work of the Dispensary by re-posting Shri Mishra in the General shift and by allotting him some additional duties of the higher responsibilities so as to make his work commensurate with his new designation. In case the designation of the Dispensary Incharge which I have awarded to the workman creates some administrative difficulties this post may be equated with the post of a Pharmacist in the next higher grade and in the alternative the workman may be re-designated as Pharmacist in the next higher grade. The workman is entitled to the benefits of higher grade and new designation from 25-1-1971 the date on which the dispute was first raised by the Union before the management and all arrears accruing on this score should also be paid to him.

7. This is my award and it should be implemented within 30 days from the date of its publication in the official Gazette.

A. S. GUPTA, Asst. Labour Commissioner,
(Central), Kota and Arbitrator.

नई दिल्ली, 7 फरवरी, 1973

का. आ. 491.—यतः भारत सरकार के भूतपूर्व श्रम और रोजगार मंत्रालय की अधिसूचना संलग्न का. आ. 461, तारीख 5 फरवरी, 1963 इवारा गठित मन्त्रालय स्थित श्रम न्यायालय के पीठासीन अधिकारी का पद रिक्त हो गया है।

अतः, अब, ऑफिशियल विवाद अधिनियम, 1947 (1947 का 14) की धारा 8 के उपबन्धों के अनुसारण में केन्द्रीय सरकार एक्स्ट्रारा थिरु वी. कृष्णस्वामी आइयर को पूर्वीक्ष रूप में गठित श्रम न्यायालय का पीठासीन अधिकारी नियुक्त करती है।

[सं. एस-11011/22/72-एस. थार.-1]

एस. एस. सहस्रनामन, अबर सीचिय

New Delhi, 7th February, 1973

S.O. 491.—Whereas a vacancy has occurred in the Office of the Presiding Officer of the Labour Court at Madras, constituted by the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 461, dated the 5th February, 1963 :

Now, therefore, in pursuance of the provisions of section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Thiru V. Krishnaswamy Iyer as Presiding Officer of the Labour Court constituted as aforesaid.

[F. No. S. 11011/22/72-LR. I.]

S. S. SAHASRANAMAN, Under Secy.

नई दिल्ली, 3 फरवरी, 1973

का. आ. 492.—न्यूनतम भजदूरी (केन्द्रीय) नियम, 1950 के नियम 8 द्वारा प्रदत्त शीक्षियों का प्रयोग करते हुए, केन्द्रीय सरकार, मूल्य श्रम आयुक्त (केन्द्रीय), नई दिल्ली के कार्यालय में के उपमूल्य श्रम आयुक्त (केन्द्रीय), को भारत सरकार के श्रम और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसल्ला सं. का. आ. 250 तारीख 19 जनवरी, 1973 इवारा नियुक्त किए गए सलाहकार बोर्ड का, एतदेवारा सीचिय नियुक्त करती है।

[सं. 32023(1)/71-हम्बर. ई. (एम. डब्ल्यू.)]

हंस राज छाषड़ा, अबर सीचिय

New Delhi, the 3rd February, 1973

S.O. 492.—In exercise of the powers conferred by rule 6 of the Minimum Wages (Central) Rules, 1950, the Central Government hereby appoints the Deputy Chief Labour Commissioner (Central) in the Office of the Chief Labour Commissioner (Central), New Delhi, to be the Secretary of the Advisory Board appointed by the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 250, dated the 19th January, 1973.

[No. S-32023(1)/71-W.E. (M.W.)]
HANS RAJ CHHABRA, Under Secy.

नई दिल्ली, 1 फरवरी, 1973

का. आ. 493.—कर्मचारी भविष्य निधि और कटुम्ब पैशन निधि अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शीक्षियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री सी. एस. भगवानी को उक्त अधिनियम और उसके अधीन विरचित किसी स्कीम के लिए केन्द्रीय सरकार के या उसके नियन्त्रणाधीन किसी स्थापन के सम्बन्ध में या रेल कम्पनी, महापत्तन, खान या तेल क्षेत्र या नियन्त्रित उद्योग से संबंधित किसी स्थापन के संबंध में ऐसे स्थापन के सम्बन्ध में जिसके एक से अधिक राज्य में विभाग या शाखाएँ हों, सम्पूर्ण महाराष्ट्र राज्य के लिए एक्सट्राला निरीक्षक नियुक्त करती है।

[सं. ए. 12015(7)/71-पी. एफ.-1]

New Delhi, 1st February, 1973

S.O. 493.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), the Central Government hereby appoints Shri C. S. Bhagwananl to be an Inspector for the whole of the State of Maharashtra for the purposes of the said Act and of any Scheme framed thereunder in relation to any establishment belonging to, or under control of the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oilfield or a controlled industry or in relation to an establishment having Departments or branches in more than one State.

[No. A 12015/7/71-PFI (1)]

नई दिल्ली, 3 फरवरी, 1973

का. आ. 494.—यतः मैसर्स क्लीरियों मैक्कन एक्स्ट्रालीजिंग सर्विसेज लिमिटेड, 55 थी, भिर्ज गारीब स्ट्रीट, कलकत्ता-16, (जिसे इसमें इसके पश्चात उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और कटुम्ब पैशन निधि अधिनियम, 1952 (1952 का 19) की धारा 17 की उपधारा (1) के खण्ड (क) के अधीन छूट देने के लिए आवेदन किया है,

आर यतः केन्द्रीय सरकार की राय में अभिवाद्य की दरों की बाबत उक्त स्थापन के भविष्य निधि उसके कर्मचारियों के लिए उन नियमों से कम अनुकूल नहीं हैं जो उक्त अधिनियम की धारा 6 में विनिर्दिष्ट हैं, और कर्मचारी भविष्य निधि की अन्य प्रसुनिधाएं भी पा रहे हैं जो कर्मचारियों के लिए कठुल मिलाकर उन प्रसुनिधाओं से कम अनुकूल नहीं हैं, जो, उसी प्रकार के किसी अन्य स्थापन के कर्मचारियों के सम्बन्ध में, उक्त अधिनियम के अधीन और कर्मचारी भविष्य निधि स्कीम, 1952 (जिसे इसमें इसके पश्चात उक्त स्कीम कहा गया है) के अधीन दी जाती हैं;

अतः, अब, उक्त अधिनियम की धारा 17 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शीक्षियों का प्रयोग करते हुए और इससे

ज्यावद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए, केन्द्रीय सरकार उक्त स्थापन के उक्त स्कीम के सभी उपचारों के प्रबलन से एस्टेट्ज़ारा छूट देती है और उक्त धारा 17 की उपधारा (3) के अनुसार में केन्द्रीय सरकार एस्टेट्ज़ारा निवेश देती है कि -

(क) उक्त स्थापन से सम्बद्ध नियोजक उक्त स्थापन के उन कर्मचारियों के, जो यदि यह छूट न दी गई होती से, उक्त स्कीम के अधीन सदस्य हाँ गए होते, तत्समय दंच ब्रेटन के (आधिकारिक मजदूरी, महगाई भत्ता, प्रतिधारण भत्ता, यदि वर्ह हो, और उस पर अनुज्ञाय साइय स्थापत का नकद मूल्य) 0.09 (शून्य वरामलव शून्य नौ) प्रीतिशस की दर से निरीक्षण प्रभार मासान्त के पन्द्रह दिन के भीतर कर्मचारी भविष्य निधि को देगा ;

(ख) उक्त स्थापन से सम्बद्ध नियोजक-

- (1) आसिक भविष्य निधि अभिदाय, अभिदाय जिस मास के सम्बन्ध में है, उसके 15 दिन के भीतर, उस स्थापन के सम्बन्ध में सम्यकरूप से गठित न्यासी बोर्ड के हस्तान्तरित करेगा,
- (2) उक्त नियोजक या विनिधान के सिए उत्तरदायी कोई अन्य प्राधिकारी केन्द्रीय सरकार द्वारा समय-समय पर जारी किये गये निवेशों के अनुसार भविष्य निधि अभिदाय का विनिधान करेगा।

(ग) (1) उपर्युक्त (क) के सम्बन्ध में नियोजक द्वारा

- (2) उपर्युक्त (ख) के सम्बन्ध में नियोजक या किसी अन्य उत्तरदायी प्राधिकारी द्वारा ऐसा न किया जाना, यथा-स्थिति, कर्मचारी भविष्य निधि या न्यासी बोर्ड का नुकसानी या ज्याज के लिए दायी कर देगा।

अनुसूची

1. नियोजक प्रादीशिक भविष्य निधि आयुक्त को वे विवरणियां भेजेगा जिन्हें केन्द्रीय सरकार समय-समय पर विहित करे।

2. नियोजक प्रत्येक कर्मचारी को वार्षिक लेखा-विवरण या पास भुक्त भेजेगा।

3. निधि के प्रशासन, जिसमें लेखाओं का अन्तर्भुक्त, लेखाओं आं और विवरणियों का भेजा जाना, संचयों का अन्तरण, निरीक्षण-प्रभारों आदि का संदाय समिलित है, में अन्तरिक्षित सभी व्ययों का बहन नियोजक द्वारा किया जाएगा।

4. नियोजक समीचित सरकार द्वारा अनुमोदित निधि के नियमों की एक प्रति स्थापन के सूचना-पट्ट पर प्रदर्शित करेगा और जब कभी उनमें संशोधन किया जाएगा तब कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य-मुख्य वातां का अनुवाद भी प्रदर्शित करेगा।

5. यदि उस वर्ग के स्थापनों के लिए, जिसमें नियोजक का स्थानिधि या छूट-प्राप्त किसी अन्य स्थापन की भविष्य निधि का पहले ही से सदस्य है, उसके स्थापन में नियोजित होता है तो नियोजक स्थापन की निधि के सदस्य के रूप में उसका नाम तुरंत ही दर्ज करेगा और ऐसे कर्मचारी की बाबत उसके पिछले संचयों को स्वीकार करके उन्हें उसके साथ में जमा करेगा।

6. यदि उस वर्ग के स्थापन के लिए, जिसमें नियोजक का स्थान आता है, भविष्य निधि के अभिदायों की दर कर्मचारी भविष्य निधि और कटुम्ब पौशन निधि अधिनियम, 1952 के अधीन

बढ़ा दी जाए तो नियोजक भविष्य निधि के अभिदायों की दर समीक्षित रूप से बढ़ा देंगा ताकि स्थापन की भविष्य निधि स्कीम के अधीन की प्रसुधिधारा उन प्रसुधिधाराओं से कम अनुकूल न हो जाए जिनकी व्यवस्था कर्मचारी भविष्य निधि और कटुम्ब पौशन निधि अधिनियम 1952 के अधीन है।

7. स्थापन अपनी भविष्य निधि का संपरीक्षित तुलन पत्र हर वर्ष प्रादीशिक आयुक्त के वर्षान्त के 3 मास के भीतर भेजेगा।

8. भविष्य निधि के नियमों में कोई भी संशोधन प्रादीशिक भविष्य निधि आयुक्त के पूर्व अनुमोदन के दिन नहीं किया जाएगा। जहां किसी संशोधन से कर्मचारियों के हितों पर प्रतिकूल प्रभाव पड़ना संभाव्य हो वहां प्रादीशिक भविष्य निधि आयुक्त, परीक्षम बंगल, अपना अनुमोदन देने से पूर्व, कर्मचारियों को अपना ग्रीष्मकांण स्पष्ट करने का योक्तायुक्त अवसर देंगा।

[सं. एस-35014(26)/72-पी. एफ 2]

दलजीत सिंह, अवर सीचव

New Delhi, the 3rd February, 1973

S.O. 494.—Whereas Messrs. Clarion CcCann Advertising Services Ltd., 55 B. Mirza Ghalib Street, Calcutta-16 (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952);

And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rate of contribution are not less favourable to the employees therein than those specified in section 6 of the said Act, and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Act, and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme and in pursuance of sub-section (3) of the said section 17, the Central Government hereby directs that—

- (a) the employer in relation to the said establishment shall pay within fifteen days of the close of the month to the Employees' Provident Fund, Inspection charges at the rate of 0.09 per cent (Zero point zero nine per cent) of the pay (basic wages, dearness allowance, retaining allowance, if any, and cash value of food concession admissible thereon) for the time being payable to the employees of the said establishment who would have become members under the said Scheme but or this exemption;
- (b) the employer in relation to the said establishment—
 - (i) shall transfer the monthly provident fund contributions within fifteen days of close of the month to which the contributions relate to the Board of Trustees duly constituted in respect of that establishment;
 - (ii) the said employer or any other authority responsible for the investment shall invest the provident fund contributions in accordance with the directions issued by the Central Government from time to time.
- (c) failure to do so : (i) in respect of; (a) above by the employer, (ii) in respect of (b) above by the employer or any other authority responsible will render them liable to pay damages or interest to Employees' Provident Fund or Board of Trustees, as the case may be.

THE SCHEDULE.

1. The employer shall submit such returns to the Regional Provident Fund Commissioner as the Central Government may, from time to time, prescribe.
2. The employer shall furnish to each employee an annual Statement of account or Pass Book.
3. All expenses involved in the administration of the fund including the maintenance of accounts, submission of accounts and returns, transfer of accumulations, payment of inspection charges etc., shall be borne by the employer.
4. The employer shall display on the notice board of the establishment a copy of the rules of the fund as approved by the appropriate Government and, as and when amended, alongwith a translation of the salient points thereof in the language of the majority of the employees.
5. Where an employee who is already member of the Employees' Provident Fund (Statutory Fund) or the provident fund of another exempted establishment is employed in his establishment, and employer shall immediately enroll him as a member of the fund of the establishment, and accept the past accumulations in respect of such employee and credit to his account.
6. The employer shall enhance the rate of provident fund contribution appropriately if the rate of provident fund contributions for the class of establishments in which his establishment falls is enhanced under the Employees' Provident Funds and Family Pension Fund Act, 1952 so that the benefits under the provident fund scheme of the establishment shall not become less favourable than the benefit provided under the Employees' Provident Funds and Family Pension Fund Act, 1952.
7. The establishment shall submit an audited balance sheet of its provident fund every year to the Regional Commissioner within 3 months of the close of the year.
8. No amendment of the rules of the provident fund shall be made without the previous approval of the Regional Provident Fund Commissioner. Where any amendment is likely to affect adversely the interests of the employees, the Regional Provident Fund Commissioner, West Bengal shall, before giving his approval, give reasonable opportunity to the employer to explain their point of view.

[No. S-35014(26)/72-PF.II]
DALJIT SINGH, Under Secy.

नई दिल्ली, 5 फरवरी, 73

का० सं० 493.—लौह-प्रयस्क खान श्रम कल्याण उपकर नियम, 1963 के नियम 3 के साथ पठित, लौह प्रयस्क खान श्रम कल्याण उपकर अधिनियम, 1961 (1961 का 58) की धारा 4 द्वारा प्रबत्त भाषितयों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्जीवन तंत्रालय (श्रम और रोजगार विभाग) की अधिकृता सं० का० ३० श्रा० 1532, तारीख 11 अक्टूबर, 1969 को अधिकृत करते हुए, केन्द्रीय सरकार मध्य प्रदेश राज्य के लिए एतद्वारा एक सलाहकार समिति गठित करती है जिसके निम्नलिखित सदस्य होंगे, अर्थात् :—

1. श्रम मंत्री, मध्य प्रदेश राज्य अध्यक्ष
2. श्रम आयुक्त मध्य प्रदेश सरकार इंदौर उपाध्यक्ष
3. श्री शुभल साल भेड़िया, सबस्य विभान सबस्य विभान सभा सभा, मध्य प्रदेश, श्रम बालोद, जिला दुर्ग

4. महाप्रबन्धक, बेलाडिला लौह-प्रयस्क परियोजना, डिपार्टमेंट १४, डाकघर, किरिन्दुल जिलावस्तु, मध्य प्रदेश } लौह-प्रयस्क खान स्वामियों के प्रतिनिधि
5. महाप्रबन्धक, भिलाई स्टील प्लांट, भिलाई मजदूर संघ, चिकली, डाकघर, राजनंदगाँव } लौह-प्रयस्क खान कर्मकारों के प्रतिनिधि
6. श्री प्रकाश राय, महासचिव, संयुक्त खदान } मजदूर संघ, डाकघर, राजनंदगाँव } लौह-प्रयस्क खान कर्मकारों के प्रतिनिधि
7. श्री एम० घोष, मध्य प्रदेश, संयुक्त खदान } मजदूर संघ, डाकघर डल्ली राजहंग, जिला } दुर्ग (मध्य प्रदेश)
8. श्रीमति शामलता शुक्ल, सबस्य विभान सभा, मध्य प्रदेश गहिरा प्रतिनिधि
9. कल्याण-प्रशासक, लौह-प्रयस्क खान श्रम सचिव कल्याण निधि, मध्य प्रदेश, इंदौर
10. लौह-प्रयस्क खान श्रम कल्याण उपकर नियम, 1963 के नियम 18 के अनुसरण में केन्द्रीय सरकार एतद्वारा इंदौर को उक्त सलाहकार समिति का मुख्यालय नियत करती है।

[का० सं० य० 19012/9/71-एम 4]

New Delhi, the 5th February, 1973

S.O.495—In exercise of the powers conferred by section 4 of the Iron Ore Mines Labour Welfare Cess Act, 1961 (58 of 1961) read with rule 3 of the Iron Ore Mines Labour Welfare Cess Rules, 1963 and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1532, dated the 11th April, 1969, the Central Government hereby constitutes an Advisory Committee for the State of Madhya Pradesh consisting of the following persons as members namely :—

- | | |
|---|---|
| 1. Labour Minister
State of Madhya Pradesh | Chairman |
| 2. Labour Commissioner,
Government of Madhya Pradesh,
Indore. | Vice-Chairman |
| 3. Shri Jhumuklal Bhedia,
Member of the Legislative
Assembly, Madhya Pradesh,
Village Balod,
Distt. Durg. | Member of the Legislative
Assembly. |
| 4. General Manager,
Bailadila Iron Ore Project,
Deposit No. 14,
P.O. Kirindul,
Distt. Bastar, Madhya Pradesh. | Representatives of the
Iron Ore Mines Owners. |
| 5. General Manager,
Bhilai Steel Plant,
Bhilai. | |
| 6. Shri Prakash Roy,
General Secretary,
Samyukta Khadan Mazdoor Sangh,
Chikli, P.O. Rajnandgaon,
Distt. Durg (M.P.) | Representatives of the
Iron Ore Mines Workers. |
| 7. Shri H. Ghosh,
President,
Samyukta Khadan Mazdoor Sangh,
P.O. Dalli Rajhara,
Distt. Durg (M.P.) | |
| 8. Shrimati Shamla Shukla,
Member of the Legislative
Assembly, Madhya Pradesh | Woman representative |
| 9. Welfare Administrator,
Iron Ore Mines Labour
Welfare Fund, Madhya Pradesh,
Indore. | Secretary |

2. In pursuance of rule 18 of the Iron Ore Mines Labour Welfare Cess Rules, 1963, the Central Government hereby fixes Indore to be the headquarters of the said Advisory Committee.

[F. No. U/19012/9/71-M.TV]

नई दिल्ली, 7 फरवरी, 1973

का० ४९६.—लौह अयस्क खान थम कल्याण उपकर नियम, 1963 के नियम ३ के उपनियम (२) के साथ पठित लौह अयस्क खान थम कल्याण उपकर अधिनियम १९६१ (१९६१ का ५८) की धारा ५ द्वारा प्रदत्त मणियों का प्रयोग करते हुए और भारत मरकार के थम, रोजगार और पुनर्वास मंत्रालय की अधिसूचना सं० का० आ० ३६९३ तारीख ९ प्रबुद्धवर, १९६८ को अधिकान करते हुए केन्द्रीय मरकार, उड़ीसा राज्य के लिए एक सलाहकार समिति बा० एतद्वारा मठन करती है, जिसके निम्नलिखित मदत्य होंगे, अर्थात् :—

- | | |
|--|--|
| १. थम मंत्री उड़ीसा राज्य, भुवनेश्वर। | अध्यक्ष |
| २. थम ग्राम्यकृति, उड़ीसा सरकार, भुवनेश्वर। | उपाध्यक्ष |
| ३. श्री कुलन वागे विसया निर्वाचन क्षेत्र से सवाल्य, विधान सभा, जिला सुन्दरगढ़। | मदत्य विधान सभा |
| ४. घट्टजल, उड़ीसा खानन निगम, भुवनेश्वर। | { उड़ीसा के लौह अयस्क } खान स्थानियों के प्रतिनिधि |
| ५. श्री रजनीकान्त गान्धी, अधीक्षक, वेलानी अयस्क, बारिलिल। | |
| ६. श्री सी० डी० परिदा मार्फत वारशिय कर्मकार संघ, इकायर बारिलिल, जिला कोट्टोकार (उड़ीसा) | { उड़ीसा के लौह अयस्क } खान कर्मकारों के प्रतिनिधि |
| ७. श्री ए० बेहरा, महा मन्त्रिव, कोट्टोकार खान और वन कर्मकार गंध, इकायर बारिलिल, जिला केयोंकार (उड़ीसा) | |
| ८. डा० मरोजिनी प्रधान, मार्फत डा० मदन स्त्री प्रतिनिधि मोहन प्रधान, कटक। | |
| ९. कल्याण प्रधानक, लौह अयस्क खान थम भवित्र कल्याण निधि उड़ीसा, भुवनेश्वर। | |

२. लौह अयस्क खान थम कल्याण उपकर नियम, १९६३ के नियम १४ के प्रत्युत्तरण में केन्द्रीय मरकार, एतद्वारा सुन्दरेश्वर को उक्त सलाहकार समिति का मुख्यालय नियन करती है।

[का० सं० य० १९०१२/१/७१-एम० ४]

वी० आ० नैयर अवर सचिव

New Delhi, the 7th February, 1973

S.O. 496.—In exercise of the powers conferred by section 4 of the Iron Ore Mines Labour Welfare Cess Act, 1961 (58 of 1961), read with sub-rule(2) of rule 3 of the Iron Ore Mines Labour Welfare Cess Rules, 1963, and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation No. S.O. 3693 dated the 9th October, 1968, the Central Government hereby constitutes an Advisory Committee for the State of Orissa with the following as the members, namely :—

1. Labour Minister, State of Orissa, Bhubaneswar.	Chairman
2. Labour Commissioner, Government of Orissa, Bhubaneswar.	Vice-Chairman
3. Shri Kulan Bagay, MLA of Bisra Constituency, Sundargarh District.	Member of the Legislative Assembly.
4. Chairman, Orissa Mining Corporation, Bhubaneswar.	Representatives of the Iron Ore Mines Owners of Orissa.
5. Shri Rajani Kant Gandhi, Superintendent, Bolani Ores, Barbil.	
6. Shri C.D. Parida, C/o Barbil Workers' Union, P.O. BARBIL, Distt. Keonjhar, (Orissa).	
7. Shri H. Bera, General Secretary, The Keonjhar Mines & Forest Workers Union, P.O. Barbil, Distt. Keonjhar (Orissa).	Representatives of Iron Ore Mines Workers of Orissa.
8. Dr. Sarojini Pradhan, C/o Dr. Madan Mohan Pradhan, Cuttack.	Woman representative
9. The Welfare Administrator, Iron Ore Mines Labour Welfare Fund Orissa, Bhubaneswar.	Secretary
2. In pursuance of rule 18 of the Iron Ore Mines Labour Welfare Cess Rules, 1963, the Central Government hereby fixes Bhubaneswar to be the headquarters of the said Advisory Committee.	

[F. No. U/ 19012/1/71-M.IV]

P.R. NAYAR, Under Secy.

